



# Armed Conflict in Syria: U.S. and International Response

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## Summary

Syria is now mired in an armed conflict between forces loyal to President Bashar al Asad and rebel fighters opposed to his rule. Since major unrest began in March 2011, various reports suggest that between 22,000 and 25,000 Syrians have been killed. U.S. officials and many analysts believe that President Bashar al Asad, his family members, and his other supporters will ultimately be forced from power, but few offer specific, credible timetables for a resolution to Syria's ongoing crisis.

In the face of intense domestic and international pressure calling for political change and for an end to violence against civilians, the Asad government offered limited reforms while also meeting protests and armed attacks with overwhelming force. Nonviolent protests continued, but their apparent futility created frustration and anger within the opposition ranks. An increasing number of Syrian civilians have taken up arms in self-defense, although armed rebel attacks alienate some potential supporters. The government accuses the opposition of carrying out bombings and assassinations targeting security infrastructure, security personnel, and civilians in Damascus, Aleppo, Homs, and other areas. Accounts of human rights abuses by both sides persist, with the majority attributed to security forces and military units.

President Obama and his Administration have been calling for Asad's resignation since August 2011, and have been vocal advocates for United Nations Security Council action to condemn the Syrian government and end the bloodshed. The United States closed its embassy in Damascus, and Ambassador Robert Ford left Syria. U.S. officials are actively participating in efforts to improve international policy coordination on Syria. The Administration has given no indication that it intends to pursue any form of military intervention. U.S. officials and some in Congress continue to debate various proposals for ending the violence and accelerating Asad's departure.

After over a year of unrest and violence, Syria's crisis is characterized by dilemmas and contradictions. A menu of imperfect choices confronts U.S. policymakers, amid fears of continued violence, a humanitarian crisis, and regional instability. The potential spillover effects of continued fighting raise questions with regard to Turkey, Lebanon, Jordan, Iraq, and Israel. Larger refugee flows, sectarian conflict, or transnational violence by non-state actors are among the contingencies that policy makers are concerned about in relation to these countries. The unrest also is creating new opportunities for Al Qaeda or other violent extremist groups to operate in Syria. The security of Syrian conventional and chemical weapons stockpiles has become a regional security concern, which will grow if a security vacuum emerges. Many observers worry that an escalation in fighting or swift regime change could generate new pressures on minority groups or lead to wider civil or regional conflict.

Members of Congress are weighing these issues as they debate U.S. policy and the Syrian crisis.

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## Background<sup>1</sup>

Syrians have long struggled with many of the same challenges that have bred deep dissatisfaction in other Arab autocracies, including high unemployment, high inflation, limited upward mobility, rampant corruption, lack of political freedoms, and repressive security forces. These factors have fueled opposition to Syria's authoritarian government, which has been dominated by the Baath (Renaissance) Party since 1963, and the Al Asad family since 1970. President Bashar al Asad's father—Hafiz al Asad—ruled the country from 1970 until his death in 2000.

The Syrian population, like those of several other Middle East countries, includes different ethnic and religious groups. Under the Asad regime strict political controls have prevented these differences from playing a divisive role in political or social life. A majority of Syrians, roughly 90% of the population, are ethnic Arabs; however, the country contains small ethnic minorities, notably Kurds. Of more importance in Syria are religious sectarian differences. In addition to the majority Sunni Muslims, who comprise over 70% of the population, Syria contains several religious sectarian minorities, including three smaller Muslim sects (Alawites, Druze, and Ismailis) and several Christian denominations.

Despite the secular nature of the ruling Baath party, religious sects have been important to some Syrians as symbols of group identity and determinants of political orientation. The Asad family are members of the minority Alawite sect (estimated 12% of the population), which has its roots in Shiite Islam. They and the Baath party have cultivated Alawites as a key base of support, and elite security forces have long been led by Alawites. The government violently suppressed an armed uprising led by the Muslim Brotherhood in the early 1980s, killing thousands from the majority Sunni Muslim community.

Within ethnic and sectarian communities are important tribal and familial groupings that often provide the underpinning for political alliances and commercial relationships. Socioeconomic differences abound among farmers, laborers, middle-class wage earners, public sector employees, military officials, and the political and commercial elite. Finally, local attachments shape Syrian society, as seen in rivalries between Syria's two largest cities of Damascus and Aleppo, in differences between rural agricultural communities and urban areas, and in the concentration of some sectarian and ethnic communities in discrete areas. Despite being authoritarian, Syrian leaders have often found it necessary to adopt policies that accommodate, to some degree, various power centers within the country's diverse population and minimize the potential for communal identities to create conflict.

Since taking office in 2000, President Asad has offered and retracted the prospect of limited political reform, while aligning his government with Iran and non-state actors such as Hamas and Hezbollah in a complex rivalry with the United States and its Arab and non-Arab allies (including Israel). Syria's long-standing partnership with Russia has remained intact and is now the focus of intense diplomatic attention because Russia is one of the regime's only remaining defenders.

As unrest emerged in other Arab countries in early 2011, Asad and many observers mistakenly believed that Syria's pervasive police state and the population's fear of sectarian violence would serve as a bulwark against the outbreak of turmoil. Limited calls in February 2011 to organize

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<sup>1</sup> This material draws from the work of Alfred Prados, former CRS Specialist in Middle East Affairs.

reform protests failed, but the government's torture of children involved in an isolated incident in the southern town of Dara'a in March provided a decisive spark for the emergence of demonstrations. The use of force against demonstrators in Dara'a and later in other cities created a corresponding swell in public anger and public participation in protests. The government organized large counterdemonstrations.

The Sunni Muslim majority has been at the forefront of the protest movement and armed opposition to the Alawite-led regime, with Syria's Christians and other minority groups caught between their parallel fears of violent change and of being associated with Asad's crackdown. Economic class dynamics also are influencing the choices of Syrians about the uprising: many rural, less advantaged Syrians have supported the opposition movement, while urban, wealthier Syrians appear to have more divided loyalties.

Sectarian considerations cannot fully explain power relationships in Syria or the dynamics of the conflict. The Alawite leadership of the Syrian government and its allies in other sects perceive the mostly Sunni Arab uprising as an existential threat to the Baath party's nearly five-decade hold on power. At the popular level, some Alawites may see their community's fate as tied to that of the current government. Some Sunni Arabs may view the conflict as a means to assert their community's dominance over others. Some Kurds may view the conflict as an opportunity to achieve greater autonomy. And, some Christians and other minorities may fear that their place in a future Syria is not guaranteed.

## **Conflict Overview**

For much of 2011 and early 2012, a cycle of tension and violence intensified, as President Asad and his government paired limited reform gestures with the use of military force against protestors and armed opposition groups. Violence was initially limited to certain locations but now has affected most major cities, including Damascus and Aleppo. Members of different elites may seek compromise with the opposition, but there has been little public dissent from top regime figures. Defections from the armed forces and from the political and business elites continue, and international sanctions and the disruptions of the conflict are creating hardship for ordinary Syrians. As the conflict has dragged on, protestors and opposition fighters have defiantly resisted government crackdowns, in spite of the arrest of thousands of citizens and documented cases of torture and regime-instigated massacres. The regime argues that opposition violence and abuses make a negotiated solution impossible, and President Asad refuses to leave power.

In an August 2012 report, the United Nations Human Rights Council commission of inquiry on Syria found:<sup>2</sup>

reasonable grounds to believe that Government forces and the *Shabbiha* had committed the crimes against humanity of murder and of torture, war crimes and gross violations of international human rights law and international humanitarian law, including unlawful killing, torture, arbitrary arrest and detention, sexual violence, indiscriminate attack, pillaging and destruction of property ... The commission found reasonable grounds to believe that war crimes, including murder, extrajudicial execution and torture, had been perpetrated by organized anti-Government armed groups ... The violations and abuses committed by

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<sup>2</sup> U.N. Document A/HRC/21/50, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, August 15, 2012.

anti-Government armed groups did not reach the gravity, frequency and scale of those committed by Government forces and the *Shabbiha*.

The Asad government believes it can prevail, but many analysts have observed that, over time, the regime appears to be gradually losing its ability to control the country and respond to opposition provocations. Opposition forces remain relatively disorganized, but their resilience and adoption of new tactics, including the use of improvised explosive devices, have denied the government access to some regions and extended the fighting to urban areas of Damascus and Aleppo. Ongoing fighting in Aleppo and the high-profile July 18 bomb attack that killed the Syrian Defense Minister and three other senior officials have shaken Asad's supporters, but the regime's ferocious response and the subsequent standoffs between the Syrian military and opposition forces in Damascus and Aleppo suggest the end may not yet be in sight. The Syrian military's use of fixed-wing aircraft to bomb rebel positions marks a new escalation, and may produce greater international outrage. International efforts to broker a cease-fire have faltered, and government and opposition forces remain engaged in all-out armed conflict with no immediate prospect of an end to fighting or a political solution.

### **The Costs of Conflict: Casualties, Refugees, and Internally Displaced Persons**

Precise official casualty figures are not available. The Strategic Research and Communication Centre, a research organization on Syria, reports that as of August 13, 2012, more than 25,000 Syrians had been killed since the revolt began in March 2011. The United Kingdom-based Syrian Observatory for Human Rights reported on August 10 that at least 22,242 people have been killed since March 2011, including 15,578 civilians, 5,658 regime soldiers and police, and 1,006 army defectors. Intense fighting in recent months has driven an increasing number of Syrians out of their homes as internally displaced persons or outside of Syria as refugees. As of August 15, 155,226 refugees have registered with the United Nations (U.N.) in Turkey, Jordan, Lebanon, and Iraq, and up to 1 million Syrians may be internally displaced.

On August 11, the State Department announced that the United States has provided \$82 million during FY2012 to address humanitarian needs in Syria and neighboring countries.<sup>3</sup> This includes: \$27.5 million to the World Food Program (WFP); \$23.1 million to the United Nations High Commissioner for Refugees (UNHCR); \$15.1 million to non-governmental organizations (NGOs); \$8 million to the International Committee of the Red Cross (ICRC); \$3 million to the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); \$2.75 million to the U.N. Children's Fund (UNICEF); \$500,000 to the International Organization for Migration (IOM); \$300,000 to the U.N. Department of Safety and Security for support of humanitarian operations; and \$500,000 to the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA). UNOCHA warned in July that underfunding "has placed humanitarian operations both in Syria and in neighboring countries in serious jeopardy."<sup>4</sup> On August 16, U.N. Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Valerie Amos stated that a lack of funding "is holding us back," and appealed "to our international partners to contribute more generously."<sup>5</sup>

## **Assessment**

The escalating conflict in Syria poses increasingly complex and difficult challenges for U.S. policymakers. The popular-uprising-turned-armed-rebellion against the Asad regime is now in its second year, and seems poised to continue, with the government and a bewildering array of

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<sup>3</sup> U.S. State Department, Additional Humanitarian Assistance for Those Fleeing the Violence in Syria, August 11, 2012.

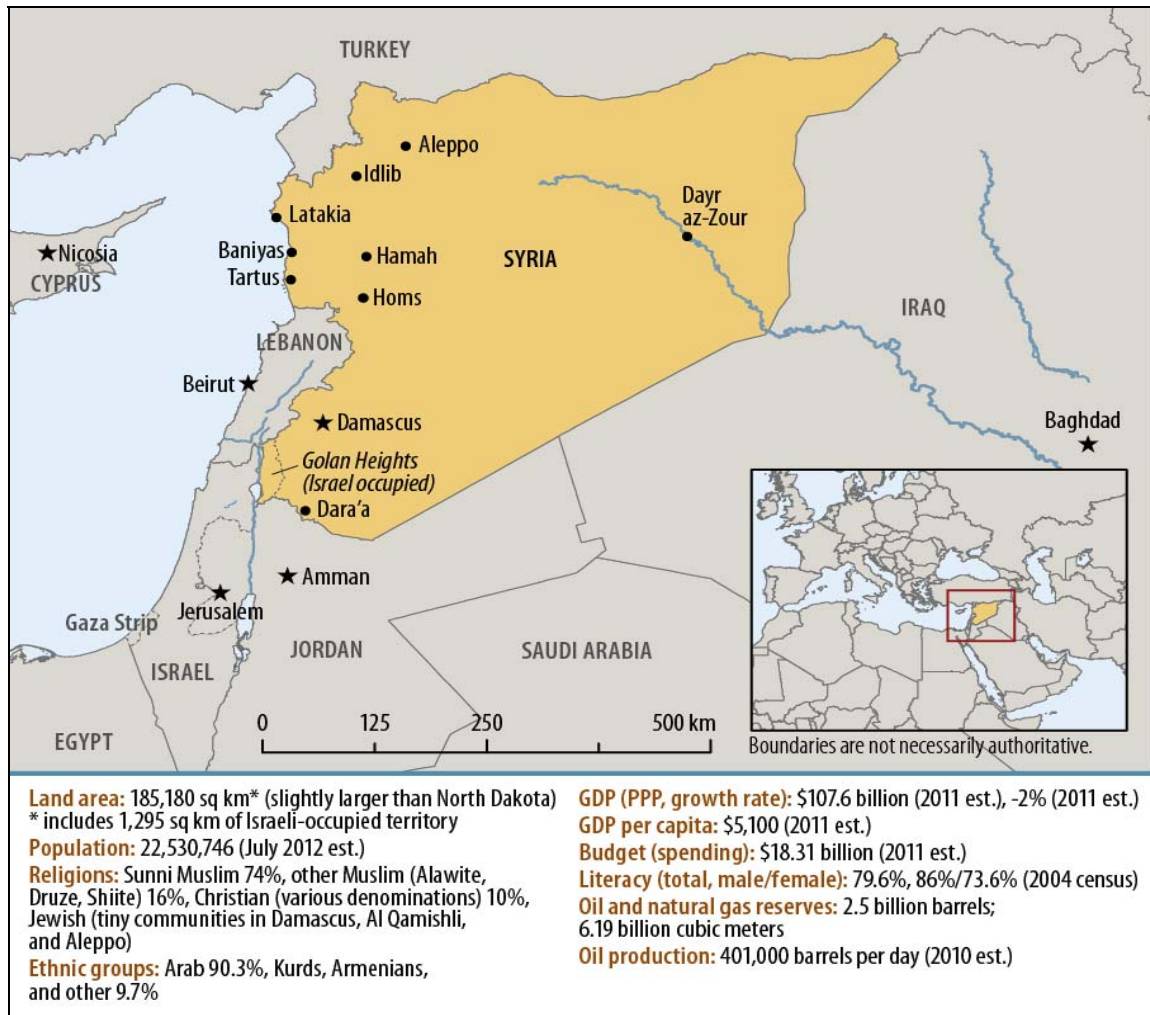
<sup>4</sup> U.N. OCHA, Humanitarian Bulletin: Syria, Issue 4, July 6-19, 2012.

<sup>5</sup> U.N. OCHA Statement, August 16, 2012.

militias locked in a bloody struggle of attrition. Violent extremist groups, including foreign fighters, have assertively demonstrated their presence in Syria, and the Syrian government has stated its willingness to use its unconventional weapons in the event of foreign military intervention. The Syrian opposition's political divisions persist, even as the resilience and tactics of its armed elements are making the limitations of the Syrian security forces more and more apparent. Tens of thousands of new refugees have crossed into neighboring countries, as regional actors express alarm, offer support to proxies, and seek to define their respective "red lines."

These factors add new complications to the ongoing debates over U.S. national interests and potential policy responses. To date, debate has largely focused on the humanitarian and regional balance of power implications of the uprising, and U.S. officials and Members of Congress have weighed various policy proposals in the hope of catalyzing and assisting a relatively orderly transition. Looking ahead, the prospects for such a transition appear to be fading, and the focus of debate is shifting toward assessing the likelihood and mitigating the negative consequences of a series of less orderly contingencies.

**Figure I. Syria at a Glance**



Source: CRS Graphics.



## Possible Scenarios

Recent events have renewed international debate about how rapidly President Asad's government could be forced from power. Some observers initially believed in 2011 that the Asad regime would fall quickly, but many subsequent projections have warned against underestimating the regime's staying power. Some experts note that neighboring Lebanon's sectarian civil war lasted 15 years before warring parties reached a political solution. In Iraq between 1991 and 2003, the late Saddam Hussein retained control over a war-ravaged country despite widespread Kurdish and Shiite opposition to his rule and a Western-imposed no-fly zone covering significant swaths of the country. A number of factors are shaping the relative prospects of the Asad government and the opposition, including:

- The performance of the armed opposition on the battlefield, particularly in Aleppo and Damascus, and its ability to eliminate or attract members of President Asad's inner circle;
- The ability of various armed and political opposition groups to cooperate, agree on a common program, and maintain legitimacy in the eyes of Syrians and third parties;
- The ability of the government to pay public sector salaries, ensure supplies of basic goods, and deliver services and utilities amidst economic sanctions and conflict;
- The willingness of minority groups that so far have been either neutral or supportive of the government to join the ranks of the opposition;
- The availability of outside military and financial assistance for the Syrian government and the opposition; and
- The morale of the armed forces in the face of ongoing fighting and their brutal suppression campaign against civilians.

In this context, a range of scenarios and outcomes are possible, and are not mutually exclusive:

**Imminent Regime Defeat?** The rapid escalation of fighting in Damascus beginning on July 14 and 15 and in Aleppo starting on July 21 fueled speculation that rebel fighters could force the collapse of the Asad government by seizing significant parts of these key cities and/or assassinating or kidnapping additional high-level officials. The July 18 bombing that killed four high-level regime figures, including the President's brother-in-law, dealt a major blow to the government and may have psychologically changed the narrative of the conflict in favor of the opposition. However, as of mid-August, the opposition's withdrawal from neighborhoods in Damascus and the government's ongoing assault on rebel-held areas of Aleppo indicate that the Asad regime has been wounded but not defeated.

**An Enduring Conflict and State Collapse?** Both sides could remain locked in armed conflict, unable to prevail, and unwilling to negotiate over power sharing. This scenario could lead to tens of thousands more casualties and mass civilian displacement before exhaustion settles in and negotiation ensues. Some observers have speculated that if conflict persists and state authority weakens further, Syria could splinter into Alawite, Sunni, Christian, and Kurdish enclaves, with

mixed populations in urban areas divided by sectarian neighborhoods.<sup>6</sup> Others have questioned whether ethnic and sectarian divisions will be the principal driver of state collapse, or whether local authority and organization will predominate, continuing the trend started by local opposition groups that have self-organized politically, economically, and even militarily. The prospect of partial or total state collapse poses serious security risks. Syrian weapon stockpiles could proliferate and security vacuums could present opportunities for transnational violent extremist groups to take root.

**Rebel Versus Rebel?** If the opposition fails to unify politically around either a civilian-led authority, military-led council, or both, competing rebel fighters may turn against each other prior to or after regime change. Should this occur, Syria's civil war could devolve into a multi-faceted conflict, with competing groups prolonging the violence. Rebel militias could splinter along secular/Islamist divides or as rivalries develop between competing leaders.

**A Military Coup?** The Asad regime is known for its intricate system of control over commanders in the military and intelligence apparatus, and many military leaders are linked by kinship ties. As of mid-August 2012, no members of the core Alawite leadership of the Asad regime had defected. Nevertheless, a military coup remains a remote possibility. Some military commanders, when faced with mounting battlefield losses and the prospect of defeat, may calculate that a move against the Asad family could be enough to salvage a place at the negotiating table during a transition process. The defection of General Manaf Tlass—one of the most senior officials to defect thus far—is already being hailed as a significant blow to the regime, and Tlass appears to be seeking to create a more unified military-led opposition council comprised of FSA leaders and newly defected military leaders.

**A Negotiated Solution?** As long as both the regime and its opponents seek total victory and envision a future Syrian government that excludes the other, a political settlement will remain elusive. On June 30, the Action Group on Syria endorsed the concept of a compromise agreement “formed on the basis of mutual consent” to create a national unity government, though what role the ruling Baath party would play in such a transition is uncertain.

**Regional Spill-over or War?** The conflict in Syria has already created regional security risks that could grow more serious. Fighting among Syrians has spilled over into Lebanon in isolated incidents, and tensions among Syrians are mirrored among Lebanon's sectarian communities. According to press reports, outside powers, such as the Arab Gulf states, Turkey, and Iran, are supporting proxies inside Syria. Syria's neighbors or other outside actors also could choose more direct military intervention if they calculate that the conflict in Syria poses an unacceptable threat to their national security. For example, Israel, Jordan, or the United States could intervene in Syria in order to secure or destroy stockpiles of Syrian chemical weapons or missiles. Turkey could intervene if PKK Kurdish guerillas based there expanded their operations against the Turkish military.

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<sup>6</sup> For example, Frank Salameh, a professor at Boston College, wrote “And so today's strings of wanton murders, sexual assaults, torture, arbitrary detentions, targeted bombings and destruction of neighborhoods—and what they entail in terms of displacements, deportations and population movements—are nothing if not the groundwork of a future Alawite entity; the grafting of new facts on the ground and the drafting of new frontiers. No longer able to rule in the name of Arab unity (and in the process preserve their own ethnic and sectarian autonomy), the Alawites may retreat into the Levantine highlands overlooking the Mediterranean.” See, “An Alawite State in Syria?” *The National Interest*, July 10, 2012.

## Key Security Issues

### Al Qaeda, Extremism, and Foreign Fighters

In early 2012, U.S. officials stated that the violence and disorder paralyzing Syria was creating opportunities for Al Qaeda operatives and other violent Islamist extremists to infiltrate the country and conduct or plan attacks. According to Director of National Intelligence James Clapper, “Sunni extremists” had infiltrated Syrian opposition groups, which may be unaware of the infiltration. As of July 2012, Sunni extremist groups appear to be increasingly active in Syria, and some observers and officials fear that more groups may be sympathetic to or directly affiliated with Al Qaeda.<sup>7</sup> Among these groups, the most prominent are the Nusra Front (*Jabhat al Nusra li-Ahl al Sham*, Support Front for the Syrian People),<sup>8</sup> the Abdullah Azzam Brigades,<sup>9</sup> the Ummah Brigade (*Liwa al Umma*),<sup>10</sup> and the Islam Brigade (*Liwa al Islam*).<sup>11</sup> Other groups such as the Free Ones of the Levant Brigades (*Ahrar al Sham*) use jihadist rhetoric in some statements although their overall orientation is unclear. The Lebanon-based extremist group Fatah al Islam has released a number of statements on the conflict and members of the group are reported to be fighting (and dying) in Syria. Press reports and anecdotal accounts suggest that there may be competition for influence among extremist groups and that they lack overarching coordination or shared leadership at present.

The conflict in Syria has provoked a visceral public response in the region and is encouraging some people to make donations to support the Syrian uprising or travel to Syria to support the armed opposition. Some conservative Sunni clerics have issued religious edicts characterizing the fighting as a “defensive jihad” and endorsing the provision of material support to fighters and direct participation in the fighting.<sup>12</sup> Al Qaeda leaders Ayman al Zawahiri and the late Abu Yahya al Libi also released statements in 2012 urging support for Syrian fighters.<sup>13</sup> European and Middle Eastern media have published estimates of the number of volunteers in the low to mid-hundreds, along with anecdotal reports about individuals from Europe, North Africa, Turkey, the Gulf states, and the Levant.<sup>14</sup> Northern Lebanon and the Turkish border with northern Syria appear to be the

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<sup>7</sup> Rod Nordland et al., “Al Qaeda Taking Deadly New Role In Syria Conflict,” *New York Times*, July 25, 2012; Hala Jaber and Lucy Fisher, “Jihadists Pour Into Syrian Slaughter,” *Sunday Times* (London), June 17, 2012; Rania Abouzeid, “The Syria Crisis: Is al-Qaeda Intervening in the Conflict?” *Time Magazine*, May 14, 2012.

<sup>8</sup> The Nusra Front has claimed responsibility for several high profile attacks, including attacks using suicide bombers and car bombs. An individual named Abu Mohammed Joulani reportedly leads the group. OSC Feature FEA20120314027051, “Video Production Announces Establishment of Jihadist ‘Al Nusrah Front’ in Syria,” January 24, 2012.

<sup>9</sup> A Saudi-national named Majed al Majed reportedly leads the Azzam Brigades. OSC Report GMP20120626966212, “Al-Qaeda in Syria: New Leader at the Helm,” *Al Akhbar* (Lebanon), June 26, 2012.

<sup>10</sup> OSC Report GMP20120625125003, “Statement by New Al Ummah Brigade in Syria Promises ‘Jihad’ Until Victory,” June 18, 2012.

<sup>11</sup> OSC Report GMP20120719125001, “Liwa al-Islam Brigades Claims Responsibility for Damascus Bombings,” July 19, 2012.

<sup>12</sup> OSC Report GMP20120618125001, “Al Shinqiti Calls Jihad in Syria ‘Duty,’ Advocates Joining Al Nusrah Front,” July 6, 2012; OSC Analysis GMF20120706420001, “Syria -- Salafis Possibly Eying Larger Role in Post-Al-Asad Syria,” July 6, 2012.

<sup>13</sup> OSC Report GMP20120612405002, “Abu-Yahya al-Libi Urges Iraqi, Jordanian, Turkish Mujahidin ‘To Champion’ Syria,” June 12, 2012.

<sup>14</sup> *The National* (Abu Dhabi) “Syria, Jihad And the Boys From Tunisia's Ben Guerdane,” July 3, 2012; OSC Report GMP20120607648001, “Al-Jazirah.net Says Jordan Charges 6 With Trying To Enter Syria To Wage Jihad,” *Al-* (continued...)

most popular transit points for volunteers, presumably because of better regional air-travel linkages with Beirut and Turkish cities. The Iraqi government has expressed specific concern that individuals associated with Al Qaeda in Iraq have travelled to Syria and are using the conflict there to their advantage.<sup>15</sup>

Statements from some armed groups indicate that their leaders are cognizant of the risks that certain tactics and rhetoric may pose (i.e., suicide bombing or attacks against civilians). The underlying incompatibility of different groups' motives and intentions is difficult to ignore, particularly to the extent that some extremist groups are critical of other armed groups and may oppose efforts to establish democracy in any post-Asad Syria. The pro-sharia rhetoric and transnational orientation of some extremist groups make it possible that they may end up in conflict with secular, nationalist, or Islamist opposition elements. The prominent Syrian Salafist-Jihadist ideologue Abu Basir al Tartusi has openly rejected other jihadists' criticism of the Free Syrian Army. While he is known for his own extremist views, even he has characterized some of the groups and individuals now active in Syria as "extremists" and "fanatics."<sup>16</sup>

### **Security of Syrian Weapons of Mass Destruction Questioned**

Recent controversy has followed a July 23 statement by Syrian government spokesperson Jihad Maqdisi that some have characterized as a threat to use weapons of mass destruction. Maqdisi said, in English, "any chemical or bacterial weapon will never be used - and I repeat will never be used - during the crisis in Syria regardless of the developments. These weapons are stored and secured by Syrian military forces and under its direct supervision and will never be used unless Syria faces external aggression." The United States, Russia, and several other countries have condemned the statement, and underscored their intention to hold the Asad government responsible for its actions with regard to the weapons. On August 20, President Obama said, "We have been very clear to the Assad regime, but also to other players on the ground, that a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized. That would change my calculus. ... We're monitoring that situation very carefully. We have put together a range of contingency plans." Syrian Deputy Prime Minister Qadri Jamil rejected President Obama's statement and accused Western powers of "looking for a pretext to intervene militarily."

Since the crisis began last year, U.S. and Israeli officials have publicly communicated their assessments of and concerns about the extent, security, and potential unrest-related implications

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(...continued)

*Jazirah.net* (Doha), June 6, 2012; OSC Report EUP20120523029004, "Foreign Jihadis Flock To Syria in Bid To Overthrow Al Asad," *Le Figaro* (Paris) May 22, 2012.

<sup>15</sup> Iraqi Foreign Minister Hoshyam Zebari said, "We have solid information and intelligence that members of Al Qaeda's terrorist network have gone to Syria." *Al Jazeera English*, "Iraq says al-Qaeda flowing into Syria," July 5, 2012. On July 21, Al Qaeda in Iraq leader Abu-Bakr al Baghdadi released an audiotape expressing support for the Syrian "jihad" and arguing for the importance of "applying the *sharia*, uniting the *umma* by demolishing the borders implemented by the Sykes-Picot [agreement], eradicating filthy nationalism and hated patriotism, and bringing back the Islamic state, the state that does not recognize artificial boundaries and does not believe in any nationality other than Islam." OSC Report GMP20120721586002, "Islamic State of Iraq Amir Calls on Sunni Tribes To 'Repent,'" July 21, 2012.

<sup>16</sup> "Abu Basir al Tartusi" is the pen name of Abdel Moneim Mustafa Halimah. For more on this topic, see Aron Lund, "Holier Than Thou: Rival Clerics in the Syrian Jihad," *Jamestown Foundation Terrorism Monitor*, Volume: 10, Issue: 14 July 16, 2012.

of Syria's unconventional weapons programs and stockpiles. U.S. officials have expressed confidence that they have a reliable estimate of the quantities and locations of Syrian chemical weapons and have indicated that the "extensive network" of related facilities is being monitored "very closely" via unspecified means.<sup>17</sup> Since late 2011, named and unnamed Israeli officials have voiced similar concerns about "huge stockpiles"<sup>18</sup> of chemical weapons in Syria and have warned that Israel will consider any indication that the Asad regime is transferring WMD materials to Hezbollah or other non-state actors to be an act of war.<sup>19</sup>

Open source reporting on Syria's chemical weapons program suggests that nerve gas and mustard gas production and storage infrastructure is concentrated at facilities in and around Al Safira (southeast of Aleppo), Damascus, Hamah, Latakia, and Homs.<sup>20</sup> Stockpiles also may be dispersed in other military locations around the country, and some reports suggested that the Syrian government may have moved or consolidated chemical weapons-related materials in order to better guarantee their security. As the recent discovery of undeclared chemical weapons material in Libya has shown, there are limits to the ability of international intelligence agencies and the Organization for the Prohibition of Chemical Weapons (OPCW) to understand and verify the extent of sensitive WMD programs, even when dealing with countries that have ratified international conventions on WMD—which Syria has not.<sup>21</sup>

The Asad regime likely places greater emphasis on ensuring the loyalty of military units involved in guarding elements of WMD programs because of the weapons' relevance as a potential deterrent against foreign attack. In the wake of any sudden regime collapse, efforts to find and secure stockpiles would be both a high priority and a difficult challenge. Neighboring intelligence services in Turkey, Jordan, and Israel may have more insight on the extent of these programs and related security challenges than the U.S. government. Elements of the Syrian military may be in a position to aid in securing materials and sites in the event of regime change, but it remains unclear whether an orderly or chaotic transition situation might ensue and whether such units would be cooperative or antagonistic toward outsiders.

Existing U.S. government authorities and funding sources for addressing emergency proliferation risks are discussed below (see "Securing Weapons Supplies and Sites"). According to some press

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<sup>17</sup> On July 18, 2012, U.S. State Department spokesperson Patrick Ventrell said, "We're closely monitoring their proliferation-sensitive materials. We don't have any indication that those specific munitions are not under Syrian Government control at this time, but we're monitoring it very closely." In February 2012, Assistant Secretary of State for Verification, Compliance, and Implementation Rose Gottemoeller said, "We have ideas as to quantity. We have ideas as to where they are." Quoted in Lachlan Carmichael, "U.S. concerned about Syrian chemical arms, missiles," *Agence France Presse (AFP)*, February 15, 2012. Director of National Intelligence James Clapper referred to an extensive network of Syrian chemical weapons facilities in testimony before the Senate Armed Services Committee on February 16, 2012. See also Jay Solomon and Adam Entous, "U.S. Steps Up Watch of Syria Chemical Weapons," *Wall Street Journal*, February 15, 2012; and, Jay Solomon, "U.S., Israel Monitor Suspected Syrian WMD," *Wall Street Journal*, August 27, 2011.

<sup>18</sup> Major-General Amir Eshel, head of the Israeli military's planning division, quoted in "Israel Fears Syrian 'Chemical, Biological' Weapons," *NOW Lebanon*, January 17, 2012.

<sup>19</sup> U.S. Open Source Center Report GMP20120201736004, "Israeli Official: Chemical Weapons From Syria to Hizballah 'Declaration of War,'" *Yisra'el Hayom* (Tel Aviv), February 1, 2012.

<sup>20</sup> Rachel Oswald, "U.S. Watching Syrian Chemical Arms Amid Fear of Attack, Diversion," *Global Security Newswire*, December 5, 2011.

<sup>21</sup> Syria has signed but not ratified the Biological and Toxin Weapons Convention (BWC). Syria has not signed or ratified the Chemical Weapons Convention (CWC).

reports, internal U.S. government assessments estimate that as many as 75,000 military personnel could be required to fully secure various WMD-related sites in Syria.<sup>2223</sup>

### **Chronology of United Nations Security Council Actions on Syria**

August 3, 2011	The Security Council issued a presidential statement that expressed profound regret over the hundreds of deaths in Syria, condemned widespread violations of human rights against civilians by Syrian authorities, and called for an immediate end to violence in Syria, urging all sides to act with utmost restraint. It also called for access for humanitarian workers for Syrian authorities to follow through on commitments they had made to reform. Lebanon disassociated itself from the statement after its release.
October 4, 2011	The Security Council failed to adopt a resolution that would have, among other things, voiced deep concern over violence in Syria and strongly condemned “the continued grave and systematic human rights violations and the use of force against civilians by the Syrian authorities.” It called for “an inclusive Syrian-led political process conducted in an environment free from violence, fear, intimidation and extremism, and aimed at effectively addressing the legitimate aspirations and concerns of Syria’s population.” Russia and China voted against the resolution, and Brazil, India, Lebanon, and South Africa abstained.
February 4, 2012	The Security Council failed to adopt a resolution that would have, among other things, adopted an Arab League plan outlining a Syrian-led political transition to a democratic, plural political system. The resolution had called on the Syrian government to cease violence against civilians, withdraw its armed forces from cities and towns and return them to their barracks, guarantee the freedom of peaceful demonstrations, and allow unhindered access for all Arab League institutions to “determine the truth about the situation on the ground and monitor the incidents taking place.” Russia and China voted against the resolution.
February 23, 2012	United Nations Secretary-General Ban Ki-moon and Secretary-General of the League of Arab States Nabil Elaraby appointed Kofi Annan as United Nations-League of Arab States Joint Special Envoy for Syria.
April 5, 2012	The Security Council issued another presidential statement that, among other things, noted the Syrian government commitment on March 25, 2012 to implement Kofi Annan’s six-point peace proposal. The statement also called upon the Syrian government to implement an U.N.-brokered cease-fire by withdrawing troops from population centers by April 10, 2012. It also called upon all parties, including the Syrian opposition, to cease all armed violence no later than April 12, 2012.
April 14, 2012	The Security Council passed Resolution 2042, which approved the deployment of a U.N. advance team of 30 military observers to Syria. It also demanded that the Syrian authorities withdraw security forces from population centers and begin a dialogue with the opposition. The vote marked the first time since protests began that the Security Council was united in demanding a halt to the violence.
April 21, 2012	The Security Council passed Resolution 2043, which established—for a 90-day period—a United Nations Supervision Mission in Syria (UNSMIS) with an initial deployment of up to 300 unarmed military observers under the command of a Chief Military Observer. The resolution also created a civilian team to help implement

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<sup>22</sup> Barbara Starr, “Military: Thousands of troops needed to secure Syrian chemical sites,” *CNN.com*, February 22, 2012.

<sup>23</sup> The President restated established U.S. policy. On July 18, 2012, U.S. Secretary of Defense Leon Panetta said, “We’ve made very clear to [the Syrian government] that they have a responsibility to safeguard their chemical sites and that we will hold them responsible should anything happen with regards to those sites.” See Secretary Panetta Remarks with United Kingdom Defense Secretary Philip Hammond, July 18, 2012; and, Remarks by the President to the White House Press Corps, August 20, 2012.

	elements of the full peace plan, such as the start of a national political dialogue and the government's granting of the right to demonstrate.
June 16, 2012	UNSMIS Commander Norwegian Major General Robert Mood suspended observation patrols due to increased violence.
July 19, 2012	The Security Council failed to adopt a proposed resolution that would have, among other things, threatened sanctions on Syria if demands to end the violence were not met. Permanent members China and Russia voted against the resolution and Pakistan and South Africa abstained. The resolution would have had the Security Council act under Chapter VII of the United Nations Charter to demand verifiable compliance—within 10 days of the adoption—with its demands in previous resolutions that Syrian authorities pull back military concentrations from population centers and cease the use of heavy weaponry against them.
July 20, 2012	The Security Council passed UNSCR 2059 which extended the UNSMIS mission for an additional 30 days. It also conditioned any further renewal of UNSMIS on the cessation of the use of heavy weapons by the government and a reduction in violence by all sides.
August 2, 2012	United Nations-League of Arab States Joint Special Envoy for Syria, Kofi Annan announced his intention to resign when his mandate expires on August 31, 2012. Algerian diplomat Lakhdar Brahimi reportedly will replace Annan under an as yet undetermined mandate.

**Source:** UN.org and U.N. News Center reports.

## Issues and Possible Options for Congress

Since 2011, some Members of Congress and nongovernmental observers have argued that the violence used by Syrian forces suggests that U.S. policy should more aggressively move toward confrontation in pursuit of the stated U.S. goal of regime change. Others have expressed wariness about the potential implications of regime change for regional security, particularly in light of the delicate sectarian balance in the Levant and a lack of established U.S. relationships with government and nongovernment actors in Syria.

The intensification of the conflict in recent months is driving a renewed round of debate over possible policy responses. Some proponents of intervention or arming of opposition groups argue that by failing to protect or arm the opposition, the United States is losing opportunities to establish relationships with influential groups and is thus less able to prevent problematic or hostile actors from shaping developments in Syria. Proponents and skeptics of regime change have urged a continuation of efforts to increase multilateral political condemnation of and economic and military pressure on the Asad regime, for example through U.N.-backed sanctions or arms embargoes. The Obama Administration has continued to expand U.S. sanctions on Syria and supporters of the Asad government, while advocating further multilateral sanctions and more overtly engaging with regional actors and opposition groups on post-conflict planning.

Legislation introduced in the 112<sup>th</sup> Congress related to Syria is summarized below. **Table B-1 in Appendix B** summarizes U.S. sanctions activity since the start of the uprising in March 2011.

## U.S. Policy Toward Syria

U.S. policy toward Syria since the 1980s has ranged from confrontation and containment to cautious engagement. Successive Congresses and Administrations have sought to end Syria's support for Hezbollah and Palestinian extremists; to encourage peace talks with Israel (which

captured the Golan Heights from Syria in 1967); and to address Syria's missile stockpiles, chemical weapons, and clandestine nuclear activities. President Obama and his Administration attempted limited rapprochement with Syria in 2009 and 2010 without lasting results.

The Obama Administration has pursued the following policies toward Syria since the uprising against the Asad regime began in March 2011:

- **Demanding a Political Transition.** On August 18, 2011, President Obama called for the resignation of Syrian President Bashar al Asad, saying "We have consistently said that President Assad must lead a democratic transition or get out of the way. He has not led. For the sake of the Syrian people, the time has come for President Assad to step aside." The President also stated that the United States will not impose a transition upon Syria, saying "What the United States will support is an effort to bring about a Syria that is democratic, just, and inclusive for all Syrians.... We will support this outcome by pressuring President Assad to get out of the way of this transition, and standing up for the universal rights of the Syrian people along with others in the international community."
- **International Diplomacy.** U.S. officials have been vocal advocates for U.N. Security Council action to condemn the Syrian government and end the bloodshed. The United States closed its embassy in Damascus and Ambassador Robert Ford left Syria. U.S. officials are participating in efforts to improve international policy coordination and support the Syrian people, such as the Friends of Syria forum that met in Tunis in February, Istanbul in April, and Paris in July. U.S. officials have cautiously supported the Annan plan at the United Nations Security Council; the United States reportedly sought more robust measures that were obstructed by Russia and China. With Russia and China continuing to threaten a Security Council veto over any resolution that they perceive as unduly pressuring or punishing the Asad regime, the Obama Administration has pointed blame at those two countries for allowing regime-instigated violence against Syrian civilians to continue.
- **U.S. Sanctions.** Since the beginning of the uprising, the Obama Administration has significantly expanded U.S. sanctions against the regime and its supporters. The Treasury Department has designated dozens of individuals and entities, freezing any U.S.-based assets of theirs and denying them access to the U.S. financial system.
- **Humanitarian Aid.** As detailed above, on August 11, 2012, the State Department announced that the United States has provided \$82 million during FY2012 to address humanitarian needs in Syria and neighboring countries.<sup>24</sup>
- **Non-lethal Aid.** In 2012, Obama Administration officials have acknowledged that the United States is providing peaceful elements of the Syrian opposition with non-lethal assistance, such as medical supplies, night-vision goggles, and communications equipment. According to one report, such aid includes tools to circumvent regime Internet censorship, such as anonymizing software and

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<sup>24</sup> U.S. State Department, Additional Humanitarian Assistance for Those Fleeing the Violence in Syria, August 11, 2012.



satellite phones with GPS capabilities.<sup>25</sup> A recent *Time* article reports that the Administration has been providing media-technology training to Syrian dissidents who have received U.S. State Department-administered Internet Freedom Grants.<sup>26</sup> According to another report, the Central Intelligence Agency (CIA) has “supplied encryption-enabled communications gear to opposition groups, presumably enabling the United States to monitor their talks.”<sup>27</sup> CRS cannot verify these reports.

- **Intelligence Coordination.** According to press reports, U.S. intelligence officers are helping to coordinate the delivery of lethal aid to elements of the armed Syrian opposition not affiliated with terrorist groups such as Al Qaeda and its affiliates. One such report states that Central Intelligence Agency officers located in southern Turkey are vetting rebel groups for ties to known terrorist organizations in order to “learn more about a growing, changing opposition network inside of Syria and to establish new ties.”<sup>28</sup> Other press reports state that U.S. intelligence officers, in conjunction with foreign governments, also may be helping the opposition develop logistical routes for moving supplies into Syria.<sup>29</sup> Multiple press reports have suggested that the U.S. government lacks on-the-ground intelligence and has relied too much on regional governments for information and as interlocutors, particularly after the closure of the U.S. Embassy in Damascus.<sup>30</sup> CRS cannot verify these reports.
- **Disruption of Arms Shipments to Syria.** The United States, in conjunction with regional partners, has been attempting to disrupt the resupply of Asad’s forces. Earlier in 2012 when Russia quietly attempted to ship MI-25 helicopters to Syria that had either been upgraded or newly built, the Administration released information on the shipment, and the British ship insurer covering the delivery canceled coverage on the transporting ship. In addition, according to one report, the Administration pressured Iraqi leaders to close Iraqi air space to Iran-to-Syria cargo flights clandestinely carrying weapons.<sup>31</sup>
- **Contingency Planning.** Though the Administration has not indicated its readiness to intervene militarily in Syria anytime soon, press reports suggest that the U.S. military has developed contingency plans for various types of interventions. Reportedly, such planning includes implementing a no-fly zone and protecting “proliferation-sensitive” sites should Syrian forces protecting them dissipate.<sup>32</sup>

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<sup>25</sup> “US Provides Communications Aid for Syria Opponents,” *Agence France Presse*, June 14, 2012.

<sup>26</sup> “Hillary’s Little Startup: How the U.S. Is Using Technology to Aid Syria’s Rebels,” *Time.com*, June 13, 2012.

<sup>27</sup> “In Syria Conflict, U.S. Struggles to Fill Intelligence Gaps,” *Washington Post*, July 23, 2012.

<sup>28</sup> The report also noted that Administration was deciding whether to provide rebels with satellite imagery and intelligence on Syrian troop locations and movements. See, “C.I.A. Said to Aid in Steering Arms to Syrian Opposition,” *New York Times*, June 21, 2012.

<sup>29</sup> “U. S. Stepping Up Efforts To Organize Syria Rebels,” *Wall Street Journal*, June 14, 2012.

<sup>30</sup> “U.S. Has A Big Blind Spot In Syria,” *Los Angeles Times*, July 25, 2012. See also, “In Syria Conflict, U.S. Struggles to fill Intelligence Gaps,” *Washington Post*, July 23, 2012.

<sup>31</sup> “U.S. Mounts Quiet Effort To Weaken Assad’s Rule,” *Wall Street Journal*, July 23, 2012.

<sup>32</sup> “U.S. Military Completes Planning For Syria,” *Security Clearance (CNN.com)*, June 14, 2012.

- **Preparing for a Transition.** According to one unnamed U.S. official, the Administration is supporting preparation for a political transition in Syria even as fighting continues on the ground. This reportedly involves bringing opposition groups together, including representatives of Alawite communities.<sup>33</sup> The U.S.-funded U.S. Institute for Peace (USIP) also has been convening a series of unofficial meetings in Germany with opposition groups in an effort “to define a transition process for a post-Assad Syria.”<sup>34</sup>

## Debating Intervention

Members of Congress have outlined differing positions on the Syrian crisis, related U.S. interests, and preferred courses of action. Current debate focuses on the potential risks and benefits of various humanitarian or military intervention proposals and those of maintaining current sanctions and diplomacy policies. Some in Congress now argue that the United States should intervene militarily in the Syrian crisis in order to protect civilians and/or to bring about the stated U.S. goal of removing President Asad from power. Specific proposals from nongovernmental observers and Members of Congress variously call for conditionally providing weapons or other assistance to the armed Syrian opposition, carrying out air strikes to protect safe zones for civilians or armed groups, and/or establishing corridors to allow the delivery of relief.

Critics of intervention and arms supply proposals highlight potential risks related to arming opposition forces that are not unified and may include groups with extremist views or individuals who have committed human rights abuses. Others suggest that the establishment of “safe-havens” or “no-kill zones” may be viewed by the Asad government as a violation of sovereignty tantamount to a declaration of war, and thus would require the commitment of air assets and protective ground forces for an undetermined amount of time. Some organizations argue that military intervention could jeopardize the delivery of humanitarian relief by conflating relief operations with the political aims of the opposition.<sup>35</sup> And other officials and observers also are concerned about potentially unleashing a scenario that could jeopardize the Syrian military’s control over large conventional and unconventional weapons stockpiles, including chemical weapons, surface-to-surface rockets, and shoulder-fired surface-to-air missiles (MANPADs).

Underlying the debate over Syria policy are a broader debates about the relative war powers and foreign affairs authorities of Congress and the President, the utility of military intervention as a means to protect civilians, and whether or not civilian protection should be a consistent tenet of U.S. foreign policy. Similar debates emerged during congressional consideration of the 2011 U.S. military intervention in Libya, and discussions of Syria policy are now informed by the outcome of Libya’s conflict and the complexities of its aftermath. In recently enacted legislation, Congress has underscored that it has not authorized the President to use force in Syria or declared war on Syria.<sup>36</sup> Debate over civilian protection reflects differences of opinion between those who embrace the principle of a so-called “responsibility to protect” and those who argue that such protection, while admirable and even desirable in some contexts, should not be endorsed in

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<sup>33</sup> “Stymied at U.N., U.S. Refines Plan to Remove Assad,” *New York Times*, July 21, 2012.

<sup>34</sup> Josh Rogin, “Inside the Quiet Effort to Plan for a Post-Assad Syria,” *ForeignPolicy.com – The Cable*, July 20, 2012.

<sup>35</sup> For a summary of these views, see Integrated Regional Information Networks (IRIN), “Briefing: Why humanitarians wary of ‘humanitarian corridors,’” March 19, 2012.

<sup>36</sup> Section 604 of P.L. 112-158 states, “Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.”

general terms because of the commitments it implies and the often unpredictable consequences of military intervention.

## **Possible Appropriations and Authorization Issues<sup>37</sup>**

In considering and preparing for possible scenarios in Syria, Members of Congress may wish to consider current and likely future requests for appropriations and authorization from the Administration, in addition to reviewing current oversight topics and others that may arise. Syria's economic situation was difficult prior to the conflict, and the Obama Administration expects that security and reconstruction costs in Syria will be considerable and will require international contributions.<sup>38</sup> International organizations are already identifying shortfalls in funding and material to respond to the humanitarian needs of Syrians affected by the conflict, and those needs, along with reconstruction costs, could drastically increase if fighting worsens and persists.

Given U.S. national security concerns about terrorism, weapons of mass destruction, and the regional security effects of conflict and potential regime change in Syria, it seems likely that engagement between Congress and the Administration will continue to focus on those areas. However, as part of a settlement or transition, the U.S. government could be asked to financially support the repatriation or resettlement of Syrian refugees or to provide economic assistance to Syria through contributions at future donors' conferences and/or through international financial institutions. The United Nations, NATO, or the Arab League could be asked to fund, staff, and equip an international peacekeeping or monitoring operation inside Syria. Congress may choose to define authorization criteria and identify potential funds for U.S. contributions to such operations, including through reviewing current recurring obligations in the Peacekeeping Operations (PKO) or Contributions to International Peacekeeping Activities (CIPA) accounts.

## **Existing Restrictions and Authorities**

Syria is among those states explicitly designated in the FY2012 foreign operations appropriation act (Division I of P.L. 112-74; 125 Stat. 1164) as being prohibited from receiving direct aid (§7007; 125 Stat. 1195). However, a number of provisions in that law could make funds available "notwithstanding" other provisions within that law or other laws, including funds for nonproliferation, anti-terrorism, demining and related programs (125 Stat. 1185), foreign military financing as it applies to demining (125 Stat. 1187), contingency funds (§7034(f); 125 Stat. 1214), and democracy promotion (§7034(h); 125 Stat. 1214).

The President also is granted special authority, under Section 614 of the Foreign Assistance Act of 1961, to "authorize the furnishing of assistance without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act..." if he finds it is "important to the security interests of the United States" and so notifies Congress. Under this

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<sup>37</sup> CRS Specialist in Foreign Policy Legislation Dianne Rennack (ext. 7-7608) contributed to this section.

<sup>38</sup> On August 15, 2012, State Department spokesperson Victoria Nuland said, "Syria is not Iraq. It doesn't have that great, vast natural wealth. And depending on how long this goes on, we are already seeing a lot of the economic underpinnings of Syria's prosperity at risk from this fighting. So there's going to have to be a serious rebuilding job that will be Syrian-led obviously, but the international community has to be ready to support, so we're beginning to think about those things."

provision, the President could make available up to \$50 million in a given fiscal year to Syria. The Administrator of the Agency for International Development also is authorized to provide agricultural commodities to meet emergency food needs “notwithstanding any other provision of law” pursuant to Title II of P.L. 480.”

### **Securing Weapons Supplies and Sites<sup>39</sup>**

There are two existing authorities and likely sources of funding for U.S. government programs that could be used for efforts to secure or dismantle Syrian weapons of mass destruction or advanced conventional weapons in an emergency scenario. The State Department’s Nonproliferation and Disarmament Fund (NDF) has authority to spend funds “notwithstanding any other provision of law” and is authorized to work in states outside the former Soviet Union.<sup>40</sup> The Department of Defense’s Cooperative Threat Reduction (CTR) program has “notwithstanding” authority for use of a limited amount of CTR funds in an emergency situation, including outside the former Soviet Union.<sup>41</sup>

### **Addressing Syria’s State Sponsor of Terrorism Status**

The Administration and Congress may wish to discuss ways to address Syria’s legal status as a state sponsor of terrorism in anticipation of any need to provide foreign assistance to a transitional Syrian government. Syria has long been identified as a sponsor of terrorism for the purposes of Section 620A of the Foreign Assistance Act of 1961. This status reflects long-standing Syrian government support for Hezbollah and Palestinian terrorist groups. It remains unclear how any post-Asad government might relate to those groups and other U.S.-designated foreign terrorist organizations. This could complicate efforts to promptly remove the state-sponsor designation in the case of a change in government, since the Act allows the Secretary of State to rescind a state sponsor designation through a report to Congress only when there has been a change in government *and* a change in policy.<sup>42</sup>

Under Sections 571 and 582 of the act, the President has broad authority to provide anti-terrorism and nonproliferation assistance to foreign countries notwithstanding other provisions of law, with

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<sup>39</sup> Prepared by CRS Specialist in Nonproliferation Mary Beth Nikitin, ext. 7-7745.

<sup>40</sup> The FY2003 Consolidated Appropriations Resolution (P.L. 108-7) authorized the Department of State to use the Nonproliferation and Disarmament Fund (NDF) “for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so.” Appropriated NDF funds remain available until expended.

<sup>41</sup> The “notwithstanding” authority has not been exercised since it was first authorized in Section 1305 of the FY2010 Defense Authorization bill (P.L. 111-84). Available funds are limited to ten percent of total CTR appropriations. Required determination and notification provisions would necessitate the concurrence of the Secretary of State and the Secretary of Energy. Notification of how funds will be spent must be submitted to the foreign affairs, appropriations and armed services committees. The law requires that funds are used for threats “arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise” that must be addressed urgently; and that “certain provisions of law would unnecessarily impede the Secretary’s ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats” (i.e., notwithstanding authority is necessary).

<sup>42</sup> Section 620(A)(c)(1) specifies that the Secretary must certify that “there has been a fundamental change in the leadership and policies of the government of the country concerned; that the government is not supporting acts of international terrorism; that the government has provided assurances that it will not support acts of international terrorism in the future.”

the exception of human rights and terrorism related restrictions in Section 502B and 620A of the act. Section 620A would restrict the provision of such assistance, in addition to peacekeeping assistance under Section 551 of the act, without a national security waiver or a rescission. The President is authorized to provide assistance pursuant to the Foreign Assistance Act of 1961 regardless of the terrorism designation in the following instances: He may make assistance available for health and disease prevention programs (Section 104(c)(4)); he may provide up to \$25 million in any fiscal year for unanticipated contingencies (§451); and to some extent he may fund international narcotics control and anticrime programs (§§481 and 491, respectively). Furthermore, he may furnish defense articles or services in exchange for "necessary or strategic raw material" if he finds it in the U.S. national interest to do so (§663).

Given the time and certification requirements for rescinding the status of a state sponsor of terrorism, it seems likely the President would seek separate authorization from Congress for the provision of assistance to Syria, issue a national security waiver of terrorism related restrictions, or invoke existing notwithstanding authorities included in current foreign operations appropriations legislation. The Bush Administration sought and Congress granted separate authorization for Iraq in 2003 for similar reasons: President Bush rescinded Iraq's status as a state sponsor of terrorism in May 2003 under authority granted by Congress in supplemental appropriations legislation.<sup>43</sup>

### **Requested Middle East and North Africa Incentive Fund (MENA-IF)**

The Administration also has asked Congress for "notwithstanding" authorities and funds to create a Middle East and North Africa Incentive Fund (MENA-IF) for responding to Arab countries in transition through FY2017. The Administration originally requested \$770 million in the fund in its FY2013 budget request. The Senate Appropriations Committee has approved \$1 billion for the account, while the House Appropriations Committee has opposed it and offered instead to provide \$200 million for regional stabilization efforts.<sup>44</sup> Administration officials indicated during congressional briefings on the proposed fund that among the potential uses of the authorities and money would be responding to peacekeeping, nonproliferation, or transition needs in Syria. The availability or lack of MENA-IF funds and authorities may significantly affect the Administration's approach to various contingencies in Syria.

### **Possible Questions for Oversight**

Possible questions that Congress may wish to consider in light of recent developments include:

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<sup>43</sup> President Bush rescinded Iraq's status as a state sponsor of terrorism pursuant to Section 1503 of P.L. 108-11 by issuing a memorandum to the Secretaries of State and Commerce and notifying Congress. Section 1503 states "that the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism. ... provided further that the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives." See President George W. Bush, Message to the Congress Reporting the Declaration of a National Emergency With Respect to the Development Fund for Iraq, May 22, 2003.

<sup>44</sup> Of which, \$70 million is for the Middle East Partnership Initiative (MEPI), \$5 million is for USAID's Office of Middle East Partnerships, and \$50 million is for Jordan.

- What are the ultimate goals of U.S. policy toward Syria? To protect civilians? To further the opposition cause of removing President Asad from power? Can these aims be separated in principle? On the ground? What might follow Asad's departure? Would a negotiated solution that preserved elements of the current government be acceptable to the United States? Why or why not?
- What authorities and appropriated funds might the Administration seek under various scenarios? How can existing authorities and appropriations be used to respond to various needs? What is the Administration's view with regard to Syria's status as a state sponsor of terrorism?
- How are other countries responding to the crisis? Who is willing and able to implement various humanitarian or military intervention proposals? On what authority? With what specific resources or forces, for what period, and at what cost? How might direct or indirect military intervention affect ongoing relief and diplomacy initiatives?
- What potential risks and unintended consequences may stem from various intervention proposals? What are the potential risks and consequences of refusing to intervene? How will regional security be affected?
- What signals might suggest that an abrupt collapse of the Syrian regime is imminent? What signals might suggest that the current pattern of conflict by attrition will persist? What developments could trigger direct intervention by regional actors and how should the United States respond?
- What political and security fault-lines exist among Syrian opposition groups and how might various scenarios affect prospects for conflict or cooperation between them?
- What role are extremist groups playing in the violence and what might their future role be in Syria if the conflict ends? How can the United States best limit opportunities for violent extremist groups to take advantage of continued conflict or regime change in Syria?
- How can the United States prevent the use, theft, or transfer of Syria's unconventional weapons? How can the United States and its allies prepare to secure and limit the proliferation of conventional weapons stockpiles in Syria, including missiles?
- How should the United States respond to the humanitarian needs of the Syrian people and address the impact of Syrian refugees on neighboring countries?
- What steps should the United States take in its engagement with Syrian opposition groups and regional actors to increase the likelihood of a post-conflict transition process that will lead to stability for Syria and the region?

## **Syria Legislation in the 112<sup>th</sup> Congress**

### **Iran Threat Reduction and Syria Human Rights Act of 2012 (P.L. 112-158)**

- P.L. 112-158/H.R. 1905, the Iran Threat Reduction and Syria Human Rights Act of 2012, codifies the sanctions on Syria contained in E.O. 13606 and includes in Title VII, "Sanctions with Respect to Human Rights Abuses in Syria." This section directs the President to identify and impose specified sanctions on: (1) Syrian government officials or persons acting on behalf of that government who are responsible for or complicit in the commission of serious

human rights abuses against Syrian citizens or their family members, regardless of whether such abuses occurred in Syria; (2) persons who knowingly transfer or facilitate the transfer of goods or technologies (weapons, surveillance technology, or technology to restrict free speech or the flow of information) that are likely to be used by Syria to commit human rights abuses against the Syrian people; and (3) persons who engage in censorship that prohibits, limits, or penalizes freedom of expression by Syrian citizens. Section 604 states, “Nothing in this Act or the amendments made by this Act shall be construed as a declaration of war or an authorization of the use of force against Iran or Syria.”

#### **FY2013 Appropriations Legislation**

- In report language accompanying H.R. 5857, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2013, appropriators note under the heading “Global and Regional Programs/ Middle East Response” that “The Committee is troubled by the ongoing violence in Syria and notes that funds under this heading should continue to be made available to assist the Syrian people. All funds for Syria are subject to the notification procedures of the Committees on Appropriations, pursuant to section 7015(f) of this Act.”
- In report language accompanying the Senate version of the bill, S. 3241, appropriators recommend \$2 million for the National Endowment for Democracy programs in Syria. According to the report, “The Committee recognizes the comparative advantages of the NED in the promotion of democracy and human rights abroad, particularly given its status as an NGO, unparalleled experience in promoting freedom during the cold war, and continued ability to conduct programs in the most hostile political environments.”

#### **Bills**

- H.R. 2105, The Iran, North Korea, and Syria Nonproliferation Reform and Modernization Act of 2011—States that it shall be U.S. policy to fully implement and enforce sanctions against Iran, North Korea, and Syria for their proliferation activities and policies. Would, among other things, prohibit U.S. nuclear cooperation agreements and related export licenses and transfers of materials, services, and goods with a country that assists the nuclear program of Iran, North Korea, or Syria, or is transferring advanced conventional weapons to such countries.
- H.R. 2106, The Syria Freedom Support Act—Would, among other things, sanction the development of petroleum resources of Syria, the production of refined petroleum products in Syria, and the exportation of refined petroleum products to Syria.
- H.R. 5993, The Syria Non-Intervention Act of 2012—Would prohibit the use of funds available to the Department of Defense or an element of the intelligence community for the purpose of, or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Syria by any nation, group, organization, movement, or individual.
- S. 1048, The Iran, North Korea, and Syria Sanctions Consolidation Act of 2011—Amends the Iran, North Korea, and Syria Nonproliferation Act to include in the scope of such act a person that (1) acquired materials mined or extracted within North Korea’s territory or control; or (2) provided shipping services for the transportation of goods to or from Iran, North Korea, or Syria relating to such countries’ weapons of mass destruction programs, support for acts of international terrorism, or human rights abuses. Excludes from such provisions shipping services for emergency or humanitarian purposes.
- S. 1472, The Syria Sanctions Act of 2011—Denies companies that conduct business in Syria’s energy sector (investment, oil purchases, and sale of gasoline) access to U.S. financial institutions and requires federal contractors to certify that they are not engaged in sanctionable activity.
- S. 2034, Syria Human Rights Accountability Act of 2012—Imposes sanctions on persons who are responsible for or complicit in certain human rights abuses. Also prohibits procurement contracts with persons that export sensitive technology to Syria.
- S. 2101, Iran Sanctions, Accountability, and Human Rights Act of 2012—Imposes, among other things, sanctions with respect to certain persons who are responsible for or complicit in human rights abuses committed against citizens of Syria or their family members.

- S. 2152, Syria Democracy Transition Act of 2012—Imposes, among other things, sanctions on foreign financial institutions that conduct transactions with the central bank of Syria.
- S. 2224, To require the President to report to Congress on issues related to Syria—Directs the President to report to Congress regarding (1) opposition groups operating inside or outside of Syria to oppose the Syrian government, and (2) the size and security of conventional and non-conventional weapons stockpiles in Syria.
- S. 3498, Syria Humanitarian Support and Democratic Transition Assistance Act of 2012—Makes several statements of policy regarding human rights violations, assistance to the Syrian people, weapons security, and support for transitional governance in Syria. Directs the President to appoint a Special Envoy for Syria. Encourages the President to provide bilateral assistance in the form of relief and transition support and authorizes “such sums as may be necessary ...for bilateral assistance programs in Syria” for FY2013 and FY2014. Authorizes increased funding to countries “that have experienced an influx of refugees from Syria.” Encourages the development of a transition and security plan for Syria and requires reporting on implementation.

### **Resolutions**

- H.Res. 296/S.Res. 180, A resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Asad Regime—Among other things, it urges the “President to continue to work with the European Union, the Government of Turkey, the Arab League, the Gulf Cooperation Council, and other allies and partners to bring an end to human rights abuses in Syria, hold the perpetrators accountable, and support the aspirations of the people of Syria.”
- H.Res. 632, A resolution that, among other things, commends the leadership of the Government of Turkey in calling for an end to the violence in Syria and for its responsiveness to the humanitarian needs of Syrian refugees.
- H.Res. 687, A resolution that, among other things, calls on the United Nations Security Council, based on evidence that crimes against humanity have been perpetrated by Syrian government forces, to refer the situation of Syria to the International Criminal Court.
- S.Res. 370/H.Res. 549, calling for democratic change in Syria, would state the Senate’s condemnation of “ongoing, widespread, and systemic violations of human rights conducted by authorities in Syria” and calls on Bashar al Asad to step down. The non-binding resolution would urge the President to support a democratic transition in Syria, establish a Friends of Syria Contact Group, develop a strategy to encourage further military defections, and “develop a plan to identify weapons stockpiles and prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.”
- S.Res. 379, A resolution that, among other things, expresses strong disappointment with the Governments of the Russian Federation and the People’s Republic of China for their veto of the United Nations Security Council resolution condemning Bashar al Asad and the violence in Syria and urges them to reconsider their votes.
- S.Res. 391/H.Res. 629, A resolution that, among other things, calls on Syria to (1) open the country to independent and foreign journalists; and (2) release all detained journalists, videographers, and bloggers.
- S.Res. 424, A resolution that, among other things, supports calls by Arab leaders to provide the people of Syria with the means to defend themselves against Bashar al-Assad and his forces, including through the provision of weapons and other material support, and calls on the President to work closely with regional partners to implement these efforts effectively; urges the President to take all necessary precautions to ensure that any support for the Syrian opposition does not benefit individuals in Syria who are aligned with al Qaeda or associated movements, or who have committed human rights abuses; and affirms that the establishment of safe havens for people from Syria, as contemplated by governments in the Middle East, would be an important step to save Syrian lives and to help bring an end to Mr. Assad’s killing of civilians in Syria, and calls on the President to consult urgently and thoroughly with regional allies on whether, how, and where to create such safe havens.
- S.Res. 428, A resolution that, among other things, urges the President to formally establish the Atrocities Prevention Board established by Presidential Study Directive-10 in August 2011, and for the Board to provide recommendations to the President concerning the prevention of mass atrocities in Syria.
- S.Res. 435, A resolution that, among other things, strongly urges all Governments, including the Republic of Belarus and the Democratic People’s Republic of Korea, to refrain from providing any additional military or security assistance to the Government of Syria.
- S.Res. 494, A resolution that, among other things, condemns the Government of the Russian Federation for its longstanding and ongoing support for the criminal regime of President Bashar al-Assad in Syria.

### **Amendments**



- H.Amdt. 1131 to H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, an amendment to limit the availability of funds for Cooperative Threat Reduction activities with Russia until the Secretary of Defense can certify that Russia is no longer supporting the Syrian regime and is not providing to Syria, North Korea, or Iran any equipment or technology that contributes to weapons of mass destruction programs.

## Appendix A. Background and Profiles of Key Actors

### The Asad Government and its Supporters

President Bashar al Asad was ushered into power in the wake of his father's death in 2000, and was the unopposed candidate of the ruling Baath party for seven-year terms in 2000 and 2007.<sup>45</sup> Prior to his time in office, he had no government experience and had trained as an ophthalmologist. Until 2011, his tenure was characterized by what some observers described as a "China-style" reform strategy; Asad's government promoted some economic liberalization while offering only fleeting political reforms and cracking down on all outspoken or organized opposition. The Asads sought with some success to attract support from beyond their traditional bases in the Alawite community and the Baath party. Nevertheless, most key positions, particularly in the security sector, have remained in Alawite hands.

President Asad's approach during the uprising has been to offer limited reforms that correspond to political grievances raised prior to the uprising. These include:

- In April 2011, President Asad lifted the formal State of Emergency declaration that had been in place since 1963. The emergency rule had been used to suppress domestic dissent and was widely criticized by Syrians and external observers. In the wake of the decision, the regime continued and expanded the raids, arrests, and detentions that had been common under the emergency rules, leading to criticism that the move was cynically designed to weaken public pressure rather than to implement real change.
- In February 2012, the government held a national referendum on a new constitution designed to open the political system to competition beyond the confines of the Baath party. The exercise was widely denounced by the opposition. The constitution was approved by 89.4% of voters who cast ballots, which the government claims was 57.4% of some 14.5 million eligible voters among Syria's 23 million people. It limits the president's tenure to a maximum of two terms of seven years, but is not applied retroactively, meaning that President Asad could run for reelection when his current term expires in 2014, and, if re-elected, he could serve until 2028.
- The new constitution provided the basis for May 2012 parliamentary elections, the first that were not restricted to the Baath Party and its National Unity List allies. Syrian officials reported that turnout among eligible voters was 51%.<sup>46</sup> However, most opposition groups and figures boycotted the election, and supporters of President Asad won over 90% of the 250 seats. A handful of opposition figures were elected, and one new party gained a seat in Aleppo.

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<sup>45</sup> The Syrian Constitution of 1973, as amended in 1984, provided for a republican government consisting of a president, up to three vice presidents appointed by the president, a cabinet, and a 250-member one-house legislature elected by adult citizens including women. Under this system, the president has been nominated by the decision-making branch of the ruling Baath Party, agreed to by the legislature, and proposed to the electorate in a referendum. In practice, power has remained concentrated in the office of the presidency and key aides, particularly with regard to all security and defense issues. "Syrians Vote For Assad in Uncontested Referendum," Associated Press, May 28, 2007.

<sup>46</sup> OSC Report GMP20120515693006, "Syrian TV Announces People's Assembly's Election Results," Damascus Syrian Satellite Television, May 15, 2012.

The government's use of force against protestors, armed opposition groups, and civilians has galvanized some opposition groups' demands for steps beyond the limited reforms offered to date—namely for the ouster of Asad and a comprehensive transition to a new political order. However, the Asad family and the Alawite elite that supports it have shown themselves to be unwilling to peacefully abdicate power, and may believe they have no alternative but to fight as long as their command of the military and intelligence apparatus allows.

## **The Alawite Community**

The minority Alawite community has shown few signs of public discord, although some of its members have joined the opposition.<sup>47</sup> Some Alawites may feel caught between the regime's demands for loyalty and their fears of retribution from other groups in the event of regime change or civil war. Many foreign observers are debating the motivations for Alawite loyalty in this context. Some analysts suggest that fear of the military-intelligence apparatus has kept the Alawite community politically quiet if not loyal, while others posit that the growing sectarian nature of the conflict only reinforces confessional loyalties and fears. According to one Syria analyst, Professor Josh Landis at the University of Oklahoma,

The broader Alawi community is also likely to remain loyal to the regime, even as the economy deteriorates. Almost all Alawi families have at least one member in the security forces as well as additional members working in civilian ministries, such as education or agriculture. Most fear collective punishment for the sins of the Baathist era. Not only do they assume that they will suffer from wide-scale purges once the opposition wins; many also suspect that they will face prison or worse.... Many do not expect an orderly transition of power, just as many remain convinced that a spirit of revenge may guide the opposition, which has been so badly abused. In short, because the Syrian military remains able and willing to stand by the president, whether out of loyalty, self-interest or fear, the regime is likely to endure for some time.<sup>48</sup>

The opposition Syrian National Council (SNC, see below) released a statement in late February stating that its members “consider members of the Alawite sect to be an essential element of Syria’s cultural and ethnic fabric. The Alawites remain an important component of Syria, and will continue to enjoy the same rights as other citizens as we build one nation of Christians, Muslims, and other sects.”<sup>49</sup> Others have pledged that orderly trials and the rule of law will prevail in any post-conflict setting. However, the opposition leadership’s capacity to ensure that such sentiment guides its members’ actions is uncertain. According to Landis, “such assurances only go so far in calming Alawi anxieties.”

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<sup>47</sup> In January 2012, a group of Alawite intellectuals issued a statement urging “Alawite Syrians, religious and ethnic minorities afraid of the consequences of a possible fall of the regime, to participate in efforts to overturn the oppressive government and participate in the construction of a new Syrian republic based on the rule of law and citizenship.” See, “Alawite intellectuals reject sectarianism in Syria,” *Agence France Presse*, January 19, 2012.

<sup>48</sup> Landis, “The Syrian Uprising of 2011: Why the Asad Regime Is Likely to Survive to 2013,” *Middle East Policy*, January 2012.

<sup>49</sup> SNC Press Release, “SNC Extends Hand to Alawite Community in Syria,” February 26, 2012.

## Opposition and Armed Groups

Syrian opposition groups have grown more organized as the uprising has unfolded, but they remain divided over strategy, tactics, coordination, and leadership. During the protest stage of the uprising, “Local Coordinating Councils” (LCCs) active in many areas inside Syria created an informal network linking activists around the country. That network withstood persistent government attacks and formed the basis for the limited national coordination that exists at present. The LCCs continue to report on developments across the country, organize protests, and coordinate relief efforts in conflict-affected areas. Nevertheless, as late as February 2012, Director of National Intelligence James Clapper stated that the Syrian opposition was “not a national movement” or “a unitary connected opposition force,” describing the opposition as “very local” with organization “on a community by community basis.” An internal versus external rivalry also has characterized the development of the opposition, with some internal activists resisting attempts by expatriates and exiles to assert leadership in the movement.<sup>50</sup> Both dynamics—local organization and internal/external rivalry—could seriously complicate any post-conflict political settlement.

At present, two opposition coalition groups continue to compete for political leadership.

- The **Syrian National Council (SNC)** was formally organized in Turkey in October 2011 and brings together a range of mostly external activists, consisting of members of the Syrian Muslim Brotherhood,<sup>51</sup> secular elites, intellectuals, and independents. The Council has a general 310-person body and an executive committee made up of eight members.<sup>52</sup> Abdulbaset Sieda replaced Burhan Ghalioun as chairman of the SNC in mid-2012.<sup>53</sup> The February 2012 “Friends of Syria” conference in Tunis referred to the SNC “a legitimate representative of Syrians seeking peaceful democratic change.” The international community has been frustrated by infighting within the SNC, its inability to attract more members of Syrian minority communities (especially Christians, Kurds, and Alawites), its inability to convince rival opposition groups to merge with it, and its perceived lack of legitimacy among Syrian protestors on the ground who remain subject to regime violence. In March 2012, several activists resigned from the SNC in protest of its decision making and a perceived lack of effectiveness. Unlike other opposition coalitions, the SNC has openly called for international military intervention in the crisis, which led other Syrians to allege that the SNC is a tool of regional powers, such as Turkey, Saudi Arabia, and Qatar. Although

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<sup>50</sup> According to one report: “The picture that emerges—partial and anecdotal—is of a highly decentralized, proudly local movement, distrustful of the expatriate opposition. Many activists said they wanted both Sunni empowerment and equal rights for all. If there was unanimity, it was in the fierce conviction that future leaders should come from their own ... not from exile groups, like the Syrian Muslim Brotherhood and secular movements.” Anne Barnard and Hwaida Saad, “Though Disparate, Syria Rebels Tenacious Against Crackdown,” *New York Times*, May 9, 2012.

<sup>51</sup> The Syrian Muslim Brotherhood has remained in exile since the Hama massacre of 1982. Since then, membership in the group has been, according to Syrian law, a capital offense. Within the Syrian National Council, members of the Brotherhood hold 25% of the seats. Some Syrian opposition activists have accused the Brotherhood of funding its own militias on the ground. See, Yezid Sayigh, “The Coming Tests of the Syrian Opposition,” Carnegie Endowment for International Peace, April 19, 2012.

<sup>52</sup> See the SNC website at <http://www.syriancouncil.org/en/structure/executive-committee.html>.

<sup>53</sup> Ghalioun’s reelection to a third term as leader of the SNC was criticized by some opposition members, and he resigned. He remains a member of the executive committee.

the SNC had resisted calls to turn the protest movement into an armed struggle, it has endorsed the imposition of a no-fly zone; the establishment of humanitarian safe corridors and buffer zones; and “an organized and speedy operation to arm the Free Syrian Army.”

- The **National Coordination Body for Democratic Change (NCB)** was formed in the summer of 2011 and is a Syria-based alliance of leftist groups, Kurdish activists, and individuals associated with the 2005 Damascus Declaration on political reform. The NCB has stated a willingness to negotiate with the Asad regime (predicated on an end to the use of force against civilians) and opposes foreign intervention. The SNC has criticized the NCB for these positions, and repeated attempts to merge the two coalitions have failed. According to one report, “The group is well positioned to play an important role going forward, since it has also invested in keeping channels of communication open with Russia, visiting Moscow as recently as April 17.”<sup>54</sup> The NCB is also referred to in some press reports as the Syrian National Coordination Committee for Democratic Change.

As the unrest has moved toward greater violence and confrontation, the focus of international attention has shifted to armed opposition activists. Press coverage and anecdotal reports suggest that thousands of mostly Sunni military soldiers have defected or deserted rather than continue following orders to enforce the crackdown. Not all of these defectors have taken up arms. Several Syrian general staff officers have defected to opposition groups based in Turkey, and some are now playing a leadership role in the armed campaign against the Syrian government.<sup>55</sup> On the ground, many volunteer fighters have organized themselves into neighborhood militias and nominally claim allegiance to the Free Syrian Army (FSA). However, it remains unclear whether FSA commanders outside Syria are able to command the loyalty of the many disparate and local resistance groups that have emerged.

- The **Free Syrian Army (FSA)** consists of lightly armed, dissident military personnel and officers who have defected and are targeting government security forces in armed attacks. It also represents a broader coalition of locally organized volunteer fighting groups who seek to affiliate themselves with the national opposition movement but lack integrated command structure, logistics, and intelligence.<sup>56</sup> FSA forces are rumored to number in the low hundreds with possibly thousands of loosely affiliated supporters. Precise and verifiable estimates are not available. To date, the FSA’s equipment has been mostly locally financed with fighters buying small arms and ammunition on the black market, and local supporters selling household valuables to raise money for the rebellion.<sup>57</sup> The FSA is nominally headed by a former colonel in the Syrian Air

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<sup>54</sup> Yezid Sayigh, op.cit.

<sup>55</sup> “Syrian Armed Forces Desertion Said to Surge to 60,000,” *Bloomberg*, March 15, 2012.

<sup>56</sup> Director of National Intelligence James Clapper recently referred to the FSA as “a blanket, generic name that’s sort of applied to the collection of oppositionists.” Open source reporting based on interviews with Syrian opposition activists, including FSA commanders and FSA affiliates, suggests that no central FSA command structure exists that encompasses the majority of armed groups in Syria, although the mostly Sunni, locally organized volunteers in Syria’s armed resistance share similar immediate goals of ending the Asad government’s assaults on them and civilians. See Emile Hokayem, IISS-US Roundtable Discussion—The Syrian Uprising Seen From The Arab World, January 24, 2012; and, Al Jazeera English, “Q&A: Nir Rosen on Syria’s armed opposition,” February 13, 2012.

<sup>57</sup> Derek Henry Flood, “Inside the Free Syrian Army,” *Jane’s Islamic Affairs Analyst*, February 24, 2012.

Force, Riyad al Asad (not related to the president), who defected to the opposition in mid-March 2011. FSA's military leadership is based in Turkey's Hatay province, where Turkish forces maintain tight control over any cross-border activities for fear of Syrian retribution. Some observers believe that if FSA fighters were trained and equipped with more sophisticated equipment (portable and guided anti-tank rockets, Stinger missiles), they would prove to be a more formidable opponent against more heavily equipped pro-government forces.<sup>58</sup>

The armed resistance and the political opposition have had an ambiguous relationship to date. The Asad government's assault on locally organized volunteers led to angry recriminations by some activists inside Syria that external opposition leaders had abandoned them or were not delivering on promised assistance.<sup>59</sup> While the SNC has established a Military Bureau to coordinate with and among different armed groups, some experts doubt whether either element of the opposition exerts true authority over the other.<sup>60</sup> Strong differences of opinion over the desirability of outside support persist, and some armed groups may resist accepting political leadership from Islamist members of the political opposition and vice versa. This uncertainty complicates efforts by third parties to identify potential partners and plan a way forward.

## **Non-Alawite Minority Communities**

**The Kurds.** Although there are Kurdish members within the opposition coalitions noted above, by and large Kurdish areas in northeastern Syria have remained fairly quiet amidst the unrest. Since its independence in 1946, Syria has defined itself as an Arab state, despite the presence of a large, ethnically distinct Kurdish population in Damascus and in several non-contiguous areas along Syria's border with Turkey and Iraq. Syria's Kurds are the largest distinct ethnic/linguistic minority in Syria (7%-10% of the total population). They inhabit agriculturally rich areas, which also contain several of Syria's most valuable oil and natural gas fields. In an attempt to curb Kurdish demands for greater autonomy, successive Syrian governments since the 1950s have periodically arrested Kurdish political leaders and have co-opted certain Kurdish tribal leaders. They also have confiscated some Kurdish land and redistributed it to Syrian Arabs to try to "Arabize" Kurdish regions.

For the past year, the regime has resorted to these divide-and-rule tactics to keep Kurdish areas under control. According to Denise Natali, an expert on Kurdish politics at National Defense University, "to repress the Kurds violently would be another nail in the coffin.... It is one of the

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<sup>58</sup> One local militia calling itself the Farouq Brigade and fighting under the broader banner of the Free Syrian Army claims that it has been more effective in engaging government forces. According to a report, "What the Farouq fighters have found is that the Syrian army, as a force built for a potential conflict with Israel, is poorly equipped for the type of asymmetrical combat the guerillas engage in. That allows the guerillas to inflict heavy casualties on the military when the two sides engage in close combat. It is one reason the Syrian military prefers launching artillery attacks on rebel-held cities from long distances." See, "Rare inside view of Syria's rebels finds a force vowing to fight on," *McClatchy*, April 23, 2012.

<sup>59</sup> In Homs, where armed fighters had been under government siege for almost a month, one local commander of Homs Revolutionary Committee appeared in a YouTube video angrily criticizing the SNC for its insufficient support saying, "We gave you legitimacy, and we can take it away."

<sup>60</sup> For example, Peter Harling, a Syria analyst for the International Crisis Group, has said, "I don't think the Syrian National Council has much leverage over the Free Syrian Army, and I don't think the Free Syrian Army has much leverage itself over what is happening on the ground."

communities the regime is trying to co-opt.”<sup>61</sup> Despite their problems under the Asad regime, Kurds are wary of supporting a potential Sunni Arab resistance movement that, should it come to power, may be no less hostile to Kurdish aspirations than the Alawite-led Asad government. According to Mahmoud Othman, a Kurdish member of the Iraqi Parliament, “the Kurds in Syria have their own problems.... They are against the Asad regime. They have been for years. They have no rights. But they are not sure about which people will come after.”<sup>62</sup>

In May 2012, a delegation from the Syrian-Kurdish National Council (KNC), an umbrella organization consisting of several smaller Kurdish political parties, traveled to the United States for meetings with the U.S. State Department. The KNC has called for the creation of an autonomous Kurdish region within a federated Syria, a position that has put it at odds with the main Syrian opposition exile group, the Syrian National Council. It also has demanded compensation for historical Kurdish suffering and the removal of the word “Arab” from Syria’s official name: the Syrian Arab Republic.

**The Christian Community.** Syria’s various Christian communities fear that the uprising will lead to a sectarian civil war and that they could be subjected to violent repression, just as Islamist extremist groups have targeted Iraqi Christians since the U.S. invasion of Iraq in 2003. Syria’s Christians, consisting primarily of Greek Orthodox along with some smaller sects, comprise approximately 10% of the Syrian population. Most Syrian Christians speak Arabic and traditionally have identified with Arab nationalist movements, which they see as an alternative to Islamic fundamentalism. At the same time, like other Christians in the Middle East, many Syrian Christians feel some affinity for Europe and the United States on religious and cultural grounds. Christians have been well represented in Syrian government organizations under the Asad regime. At present, Christians appear to be taking a cautious approach to the uprising. While some have remained supportive of the Asad regime and grown more so as sectarian violence has increased, others are rumored to be assisting opposition movements, including local armed elements and the Free Syrian Army. Syria’s Greek Orthodox Patriarch, Ignatius IV Hazim, patriarch of Antioch and All the East, has taken a cautious approach, recently arguing that “the harmful effects of any foreign intervention in our affairs would touch Christians and Muslims alike.”<sup>63</sup>

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<sup>61</sup> “Syrian Kurds seen as revolt’s wild card,” *Washington Post*, March 8, 2012.

<sup>62</sup> “Syrian Kurds, facing tough options, flee into Iraq,” *International Herald Tribune*, March 10, 2012.

<sup>63</sup> “Syria’s Greek patriarch opposes foreign intervention,” *Agence France Presse*, March 1, 2012.

## **Appendix B. U.S. Sanctions and Legislation**

### **Overview**

At present, a variety of legislative provisions and executive directives prohibit U.S. aid to Syria and restrict bilateral trade. Syria remains a U.S.-designated State Sponsor of Terrorism and is therefore subject to a number of general U.S. sanctions. Syria was placed on the State Department's State Sponsors of Terrorism List in 1979. Moreover, between 2003 and 2006 Congress passed legislation and President Bush issued new executive orders that expanded U.S. sanctions specifically on Syria.

- The table below reviews sanctions introduced since early 2011 in response to Syria's uprising.
- Syria-specific sanctions and general sanctions applicable to Syria are also summarized below.

### **Background on U.S. Assistance to Syria and Restrictions**

Because of a number of legal restrictions and U.S. sanctions, many resulting from Syria's designation as a country supportive of international terrorism, Syria is no longer eligible to receive U.S. foreign assistance. Between 1950 and 1981, the United States provided a total of \$627.4 million in aid to Syria: \$34.0 million in development assistance, \$438.0 million in economic support, and \$155.4 million in food assistance. Most of this aid was provided during a brief warming trend in bilateral relations between 1974 and 1979. Significant projects funded with U.S. assistance included water supply, irrigation, rural roads and electrification, and health and agricultural research. No aid has been provided to Syria since 1981, when the last aid programs were closed out. In the event of regime change, the Obama Administration and Congress would need to reevaluate any successor government's policies with regard to support for international terrorism in order to determine Syria's potential eligibility for U.S. assistance.

### **Syria's Economy and Sanctions**

Reports indicate that the Syrian economy and national budget are suffering due to a steep drop in oil exports resulting from sanctions; over a year of domestic unrest and the loss of tourism revenues; and new social and military spending aimed at quelling public anger. Estimates vary on the degree of contraction in 2011, ranging between 5% and 15%.<sup>64</sup> The Economist Intelligence Unit predicts that the Syrian economy will contract by 8.1% in 2012.

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<sup>64</sup> "Cracks Widen in Syrian Economy," *IPS*, January 24, 2012.



Urban areas are now experiencing daily power outages and fuel shortages,<sup>65</sup> inflation is rising<sup>66</sup>; and the value of the Syrian pound has plummeted on the black market (from 54 pounds against the dollar to over 103 pounds as of early March), forcing the government to spend resources propping it up. Syria's stock market is down 40% since the unrest began in March 2011. Foreign exchange reserves held by the Syrian Central Bank have reportedly fallen from \$18 billion in the fall of 2011 to between \$5 billion and \$10 billion, and now lose about \$1 billion a month.<sup>67</sup> With the loss of European export markets due to a European Union oil import ban, Syria has been denied a major source of revenue and hard currency (25%-30% of total government revenue or \$4 billion a year). According to Syrian Oil Minister Sufian Alao, sanctions on Syrian oil exports have cost the country \$4 billion.

Before sanctions, the main buyers of approximately 150,000 barrels per day (bpd) of exported Syrian oil were Italy, Germany, France, the Netherlands, Austria, Spain, and Turkey. Syria produces about 380,000 bpd total, though 2011 total production fell to around 320,000 bpd due to sanctions.<sup>68</sup> Foreign oil companies that have suspended operations in Syria include Tatneft (Russia), Royal Dutch/Shell Group, Total (France), Gulfsands (UK), Suncor (Canada), and INA (Croatia). In March 2012, Syrian officials announced that the Russian energy company Gazprom would take over INA's oil and gas operations in Syria. The operating status of two Chinese companies with investments in Syria, CNPC and Sinopec, is unknown.<sup>69</sup> Western countries also have banned new investment in Syria's oil and gas sector, and energy traders and shipping firms also report changes to their engagement with Syria. European sanctions do not ban the export of liquid petroleum gas (LPG) to Syria, since it is widely used by ordinary households for heating and cooking.

Since new sanctions were enacted, many analysts have speculated about whether new investors and new foreign markets would arise for Syrian oil exports, albeit at lower prices due to sanctions and increased shipping, insurance, and financing costs. Some experts believe that both India and China are in a position to refine the heavy crude that Syria exports. However, others assert that some Asian buyers would find the prospect of purchasing Syrian oil too risky or politically problematic. In recent months, Venezuela has supplied Syria with at least three shipments of diesel fuel in exchange for Syrian naphtha, a refined petroleum product. According to Venezuelan Energy Minister Rafael Ramirez, "We have a high level of cooperation with Syria, a besieged nation, whom the transnational interests want to bring down." Other reports suggest that Russia and Iran are exporting gasoil and diesel to Syria.<sup>70</sup> Syrian officials also claim to be negotiating fuel import deals with Russia, Iran, and Algeria.<sup>71</sup>

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<sup>65</sup> In May 2012, the Syrian government raised the price of subsidized fuel by 25%, just weeks after doubling electricity prices.

<sup>66</sup> Inflation may be as high as 30% in Syria. According to a June 2012 report, the Syrian government has recently circulated new currency printed in Russia in order to pay public sector salaries amidst a ballooning fiscal deficit. See, "Syria Prints New Money as Deficit Grows-Bankers," *Reuters*, June 13, 2012.

<sup>67</sup> "Syria Running out of Cash as Sanctions take toll, but Assad avoids Economic Pain," *Washington Post*, April 24, 2012.

<sup>68</sup> Though oil production declined in 2011, natural gas production increased by 8% due to investment in gas infrastructure made before unrest began.

<sup>69</sup> "Syria: Voting with their feet," *Economist Intelligence Unit*—Business Middle East, January 16, 2012.

<sup>70</sup> "How Russia, Iran keep fuel flowing to Syria," *Reuters*, April 26, 2012.

<sup>71</sup> "Syria, Russia Negotiating Long-Term Gas, Diesel Fuel Contracts," *ITAR-TASS World Service*, May 25, 2012.

**Table B-1. U.S. Sanctions Against Syria in 2011-2012**  
(Implemented by Treasury Department's Office of Foreign Assets Control [OFAC])

Date	Sanctioned Individual/Entity	Sanction or Related Activity Description
August 14, 2012	Riyad Hijab, former Prime Minister	Post-defection removal from OFAC's Specially Designated Nationals (SDN) List
August 10, 2012	Hezbollah, SYTROL	Added to OFAC's Specially Designated Nationals (SDN) List, pursuant to E.O. 13582
July 18, 2012	Omran Ahed Al-Zoubi, Minister of Information, , Subhi Ahmad Al-Abdullah, Minister of Agriculture and Agrarian Reform, Safwan Al-Assaf, Minister of Housing and Urban Development, Wael Nader Al-Halqi, Minister of Health, Mohammad Al-Jleilati, Minister of Finance, Hala Al Nasser, Minister of Tourism, Mohammad Abdul-Sattar Al-Sayyed, Minister of Religious Endowments, Yasser Al-Sibaei, Minister of Public Works, Hazwan Al Wazz, Minister of Education, Mansour Fadlallah Azzam, Minister of Presidential Affairs, Nazira Farah Sarkis, Minister of State for Environmental Affairs, Hussein Mahmoud Farzat, Minister of State, Omar Ibrahim Ghalawanji, Deputy Prime Minister for Services Affairs, Radwan Habib, Minister of Justice, Ali Haidar, Minister of State for National Reconciliation Affairs, Bassam Hanna, Minister of Water Resources, Riyadh Hijab, Prime Minister, Mahmoud Ibrahim Said, Minister of Transport, Qadri Jamil, Deputy Prime Minister for Economic Affairs, Imad Mohammad Deeb Khamis, Minister of Electricity, Adib Mayaleh, Governor of Central Bank of Syria, Jassim Mohammad Zakarya, Minister of Social Affairs and Labor, Lubanah Mshaweh, Minister of Culture, Said Mu'zi Hneidi, Minister of Oil and Mineral Resources, Imad Abdul-Ghani Sabouni, Minister of Communications and Technology, Fuad Shukri Kurdi, Minister of Industry, Joseph Jurji Sweid, Minister of State, Mohammad Yehya Moalla, Minister of Higher Education, Mohammad Zafer Mihbek, Minister of Economy and Foreign Trade  Business Lab, Drex Technologies(Virgin Islands) <sup>a</sup> , Handasieh, Industrial Solutions, Mechanical Construction Factory, Syronics	Added to OFAC's Specially Designated Nationals (SDN) List
May 30, 2012	Syria International Islamic Bank	Added to OFAC's Specially Designated Nationals (SDN) List
May 1, 2012	Foreign Persons/Foreign Entities that have violated, attempted to violate, conspired to violate, or caused a violation of U.S. sanctions against Iran or Syria, or that have facilitated deceptive transactions for persons subject to U.S. sanctions concerning Syria or Iran.	Executive Order 13608—Authorizes the Department of the Treasury to publicly identify foreign individuals and entities that have violated U.S. sanctions against Iran and Syria and generally bars their access to U.S. financial and commercial systems.

<b>Date</b>	<b>Sanctioned Individual/Entity</b>	<b>Sanction or Related Activity Description</b>
April 27, 2012		OFAC issued General License 4A, which authorizes the exports or re-exports to Syria of items licensed or otherwise authorized by the Department of Commerce and of exports and reexports of certain services. General License 4A replaces and supersedes General License 4, dated August 18, 2011.
April 23, 2012	Governments of Syria and Iran, Ali Mamluk (Director of the Syrian General Intelligence Directorate), Syrian General Intelligence Directorate, Syriatel, Islamic Revolutionary Guard Corps, Iranian Ministry of Intelligence and Security, Law Enforcement Forces of the Islamic Republic of Iran, Datak Telecom	Executive Order 13606—Blocks the property and suspends entry into the United States of certain persons with respect to grave human rights abuses by the governments of Iran and Syria via information technology.
March 30, 2012	General Munir Adanov (Deputy Chief of General Staff of the Syrian Army), General Dawood Rajiha (Minister of Defense)	Added to OFAC's Specially Designated Nationals (SDN) List
March 5, 2012	General Organization of Radio and TV	Added to OFAC's Specially Designated Nationals (SDN) List
February 23, 2012		OFAC issued General License 15 related to Syria to authorize transactions in connection with patent, trademark, copyright, or other intellectual property protection that would otherwise be prohibited by Executive Order 13582.
February 16, 2012	Iranian Ministry of Intelligence and Security	Added to OFAC's Specially Designated Nationals (SDN) List
December 1, 2011	Muhammad Makhluf, Military Housing Establishment, Real Estate Bank	Added to OFAC's Specially Designated Nationals (SDN) List
October 3, 2011		OFAC issued two general licenses related to Syria to authorize payments in connection with overflight or emergency landing and transactions with respect to telecommunications
September 27, 2011		OFAC issued a general license related to Syria to authorize third-country diplomatic and consular funds transfers and to authorize certain services in support of nongovernmental organizations' activities.
September 9, 2011		OFAC issued four general licenses related to Syria to authorize wind down transactions, certain official activities of international organizations, incidental transactions related to U.S. persons residing in Syria and operation of accounts.
August 30, 2011	Walid Mouallem (Foreign Minister), Ali Abdul Karim Ali (Syrian Ambassador to Lebanon), Bouthaina Shaaban (Advisor to the President)	Added to OFAC's Specially Designated Nationals (SDN) List

<b>Date</b>	<b>Sanctioned Individual/Entity</b>	<b>Sanction or Related Activity Description</b>
August 18, 2011	Government of Syria	Executive Order 13582—Freezes all assets of the Government of Syria, prohibits U.S. persons from engaging in any transaction involving the Government of Syria, bans U.S. imports of Syrian-origin petroleum or petroleum products, prohibits U.S. persons from having any dealings in or related to Syria's petroleum or petroleum products, and prohibits U.S. persons from operating or investing in Syria.
August 18, 2011	General Petroleum Corporation, Syrian Company For Oil Transport, Syrian Gas Company, Syrian Petroleum Company, Sytrol	Added to OFAC's SDN List
August 10, 2011	Commercial Bank of Syria and its Lebanon-based subsidiary, Syrian Lebanese Commercial Bank, Syriatel, the country's main mobile phone operator	Added to OFAC's SDN List
August 4, 2011	Muhammad Hamsho (businessman with ties to Asad family), Hamsho International Group	Added to OFAC's SDN List
June 29, 2011	Jamil Hassan (Head of Air Force Intelligence), Political Security Directorate (PSD, domestic intelligence)	Added to OFAC's SDN List
May 18, 2011	President Bashar al Asad, Farouk al Shara (vice president), Adel Safar (prime minister), Mohammad Ibrahim al Shaar (minister of the interior), Ali Habib Mahmoud (minister of defense), Abdul Fatah Qudsiya (head of Syrian military intelligence), Mohammed Dib Zaitoun (director of political security directorate), Nabil Rafik al Kuzbari, General Mohsen Chizari (Commander of Iran Revolutionary Guard Corp Qods Force suspected of human rights abuses in Syria), Al Mashreq Investment Fund, Bena Properties, Cham Holding, Syrian Air Force Intelligence, Syrian Military Intelligence, Syrian National Security Bureau	Executive Order 13573 adds listed individuals and entities to OFAC's SDN List
April 29, 2011	Maher al Asad, Ali Mamluk (director of the Syrian General Intelligence Directorate GID), Atif Najib (former head of the Syrian Political Security Directorate for Dara'a province and the president's cousin), the General Intelligence Directorate, and Iran's Islamic Revolutionary Guard Corps – Quds Force (for allegedly assisting Syria in its crackdown)	Executive Order 13572 adds listed individuals and entities to OFAC's SDN List

**Source:** U.S. Treasury Department.

**Notes:** As part of its enforcement efforts, OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called Specially Designated Nationals or SDNs. Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

- a. According to the Treasury Department, Drex Technologies, "belongs to Assad's billionaire cousin and government insider, Rami Makhluf, who was designated by the Treasury Department in February 2008 under E.O. 13460 for improperly benefiting from and aiding the public corruption of Syrian regime officials. Drex Technologies was designated pursuant to E.O. 13572, which authorizes the United States to sanction any entities owned or controlled by persons designated under E.O. 13460."

## Specific Sanctions Against Syria

Specific U.S. sanctions levied against Syria fall into three main categories: (1) sanctions resulting from the passage of the 2003 Syria Accountability and Lebanese Sovereignty Act (SALSA) that, among other things, prohibit most U.S. exports to Syria; (2) sanctions imposed by executive order from the President that specifically deny certain Syrian citizens and entities access to the U.S. financial system due to their participation in proliferation of weapons of mass destruction; association with Al Qaeda, the Taliban, or Osama bin Laden; or destabilizing activities in Iraq and Lebanon; and (3) sanctions resulting from the USA PATRIOT Act levied specifically against the Commercial Bank of Syria in 2006.

### The 2003 Syria Accountability Act

On December 12, 2003, President Bush signed H.R. 1828, the Syria Accountability and Lebanese Sovereignty Restoration Act into law, as P.L. 108-175. This law requires the President to impose penalties on Syria unless it ceases support for international terrorist groups, ends its occupation of Lebanon, ceases the development of weapons of mass destruction (WMD), and has ceased supporting or facilitating terrorist activity in Iraq (§§5(a) and 5(d)). Sanctions include bans on the export of military items (already banned under other legislation, see above)<sup>72</sup> and of dual use items (items with both civil and military applications) to Syria (§5(a)(1)). In addition, the President is required to impose two or more sanctions from a menu of six:

- a ban on all exports to Syria except food and medicine;
- a ban on U.S. businesses operating or investing in Syria;
- a ban on landing in or overflight of the United States by Syrian aircraft;
- reduction of diplomatic contacts with Syria;
- restrictions on travel by Syrian diplomats in the United States; and
- blocking of transactions in Syrian property (§5(a)(2)).

### Implementation

On May 11, 2004, President Bush issued Executive Order 13338, implementing the provisions of P.L. 108-175, including the bans on munitions and dual use items (§5(a)(1)) and two sanctions from the menu of six listed in Section 5(a)(2). The two sanctions he chose were the ban on exports to Syria other than food and medicine (§5(a)(2)(A)) and the ban on Syrian aircraft landing in or overflying the United States (§5(a)(2)(D)). In issuing his executive order, the President stated that Syria has failed to take significant, concrete steps to address the concerns that led to the enactment of the Syria Accountability Act. The President also imposed two additional sanctions based on other legislation.

- Under Section 311 of the USA PATRIOT Act, he instructed the Treasury Department to prepare a rule requiring U.S. financial institutions to sever

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<sup>72</sup> Syria's inclusion on the State Sponsors of Terrorism List as well as SALSA requires the President to restrict the export of any items to Syria that appear on the U.S. Munitions List (weapons, ammunition) or Commerce Control List (dual-use items).

correspondent accounts with the Commercial Bank of Syria because of money laundering concerns.

- Under the International Emergency Economic Powers Act (IEEPA), he issued instructions to freeze assets of certain Syrian individuals and government entities involved in supporting policies inimical to the United States.

## **Waivers**

In the executive order and in an accompanying letter to Congress, President Bush cited the waiver authority contained in Section 5(b) of the Syria Accountability Act and stated that he wished to issue the following waivers on grounds of national security.

Regarding Section 5(a)(1) and 5(a)(2)(A): The following exports are permitted: products in support of activities of the U.S. government; medicines otherwise banned because of potential dual use; aircraft parts necessary for flight safety; informational materials; telecommunications equipment to promote free flow of information; certain software and technology; products in support of U.N. operations; and certain exports of a temporary nature.<sup>73</sup>

Regarding Section 5(a)(2)(D): The following operations are permitted: takeoff/landing of Syrian aircraft chartered to transport Syrian officials on official business to the United States; takeoff/landing for non-traffic and non-scheduled stops; takeoff/landing associated with an emergency; and overflights of U.S. territory.

## **Targeted Financial Sanctions**

Since the initial implementation of the Syria Accountability Act (in Executive Order 13338 dated May 2004), the President has repeatedly taken action to sanction individual members of the Asad regime's inner circle.<sup>74</sup> E.O. 13338 declared a national emergency with respect to Syria and authorized the Secretary of the Treasury to block the property of individual Syrians. Based on Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the President has annually extended his authority to block the property of individual Syrians (latest on April 29, 2011). When issuing each extension, the President has noted that the actions and policies of the government of Syria continued to pose an unusual and extraordinary threat.<sup>75</sup>

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<sup>73</sup> According to U.S. regulations, any product that contains more than 10% *de minimis* U.S.-origin content, regardless of where it is made, is not allowed to be exported to Syria. For U.S. commercial licensing prohibitions on exports and re-exports to Syria, see 15 C.F.R. pt. 736 Supp No. 1. The Department of Commerce reviews license applications on a case-by-case basis for exports or re-exports to Syria under a general policy of denial. For a description of items that do not require export licenses, see, Bureau of Industry and Security (BIS), U.S. Department of Commerce, Implementation of the Syria Accountability Act, available at [http://www.bis.doc.gov/licensing/syriaimplementationmay14\\_04.htm](http://www.bis.doc.gov/licensing/syriaimplementationmay14_04.htm).

<sup>74</sup> According to the original text of E.O. 13338, the President's authority to declare a national emergency authorizing the blocking of property of certain persons and prohibiting the exportation or re-exportation of certain goods to Syria is based on "The Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.) (NEA), the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, P.L. 108-175 (SAA), and Section 301 of Title 3, United States Code." available at <http://www.treasury.gov/resource-center/sanctions/Documents/13338.pdf>.

<sup>75</sup> The President last extended the State of Emergency on April 29, 2011.

The following individuals and entities have been targeted by the U.S. Treasury Department (Office of Foreign Assets Control or OFAC):

- On June 30, 2005, the U.S. Treasury Department designated two senior Syrian officials involved in Lebanon affairs, Syria's then-interior minister and its head of military intelligence in Lebanon (respectively, the late General Kanaan and General Ghazali), as Specially Designated Nationals, thereby freezing any assets they may have in the United States and banning any U.S. persons, including U.S. financial institutions outside of the United States, from conducting transactions with them.<sup>76</sup> Kanaan allegedly committed suicide in October 2005, though some have speculated that he may have been murdered.
- On January 18, 2006, the U.S. Treasury Department took the same actions against the President's brother-in-law, Assef Shawkat, chief of military intelligence.
- On April 26, 2006, President Bush issued Executive Order 13399 that authorized the Secretary of the Treasury to freeze the U.S.-based assets of anyone found to be involved in the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri. It also affects anyone involved in bombings or assassinations in Lebanon since October 2004, or anyone hindering the international investigation into the Hariri assassination. The order allows the United States to comply with UNSCR 1636, which calls on all states to freeze the assets of those persons designated by the investigating commission or the government of Lebanon to be involved in the Hariri assassination.
- On August 15, 2006, the U.S. Treasury Department froze assets of two other senior Syrian officers: Major General Hisham Ikhtiyar, for allegedly contributing to Syria's support of foreign terrorist organizations including Hezbollah; and Brigadier General Jama'a Jama'a, for allegedly playing a central part in Syria's intelligence operations in Lebanon during the Syrian occupation.<sup>77</sup>
- On January 4, 2007, the U.S. Treasury Department designated three Syrian entities, the Syrian Higher Institute of Applied Science and Technology, the Electronics Institute, and the National Standards and Calibration Laboratory, as weapons proliferators under an executive order (E.O. 13382) based on the authority vested to the President under IEEPA. The three state-sponsored institutions are divisions of Syria's Scientific Studies and Research Center, which was designated by President Bush as a weapons proliferator in June 2005 for research on the development of biological and chemical weapons.<sup>78</sup>

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<sup>76</sup> See <http://www.treasury.gov/press-center/press-releases/Pages/js2617.aspx>.

<sup>77</sup> See <http://www.treasury.gov/press-center/press-releases/Pages/hp60.aspx>.

<sup>78</sup> See <http://www.treasury.gov/press-center/press-releases/Pages/hp216.aspx>.

- On August 1, 2007, the President issued E.O. 13441<sup>79</sup> blocking the property of persons undermining the sovereignty of Lebanon or its democratic processes and institutions. On November 5, 2007, the U.S. Treasury Department designated four individuals reportedly affiliated with the Syrian regime's efforts to reassert Syrian control over the Lebanese political system, including Assaad Halim Hardan, Wi'am Wahhab, and Hafiz Makhlef (under the authority of E.O. 13441) and Muhammad Nasif Khayrbik (under the authority of E.O. 13338).<sup>80</sup>
- On February 13, 2008, President Bush issued another order (E.O. 13460) blocking the property of senior Syrian officials. According to the U.S. Treasury Department, the order "targets individuals and entities determined to be responsible for or who have benefitted from the public corruption of senior officials of the Syrian regime." The order also revises a provision in Executive Order 13338 to block the property of Syrian officials who have undermined U.S. and international efforts to stabilize Iraq.<sup>81</sup> One week later, under the authority of E.O. 13460, the U.S. Treasury Department froze the U.S. assets and restricted the financial transactions of Rami Makhlef, a powerful cousin of President Bashar al Asad.

## **Sanctions Against the Commercial Bank of Syria**

As previously mentioned, under Section 311 of the USA PATRIOT Act, President Bush instructed the Treasury Department in 2004 to prepare a rule requiring U.S. financial institutions to sever correspondent accounts with the Commercial Bank of Syria because of money laundering concerns. In 2006, the Treasury Department issued a final ruling that imposes a special measure against the Commercial Bank of Syria as a financial institution of primary money laundering concern. It bars U.S. banks and their overseas subsidiaries from maintaining a correspondent account with the Commercial Bank of Syria, and it also requires banks to conduct due diligence that ensures the Commercial Bank of Syria is not circumventing sanctions through its business dealings with them.<sup>82</sup>

## **General Sanctions Applicable to Syria**

*The International Security Assistance and Arms Export Control Act of 1976* (P.L. 94-329). Section 303 of this act (90 Stat. 753-754) required termination of foreign assistance to countries that aid or abet international terrorism. This provision was incorporated into the Foreign

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<sup>79</sup> On July 29, 2010, President Obama extended that National Emergency with respect to Lebanon for another year, stating that "While there have been some recent positive developments in the Syrian-Lebanese relationship, continuing arms transfers to Hizballah that include increasingly sophisticated weapons systems serve to undermine Lebanese sovereignty, contribute to political and economic instability in Lebanon, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States." See, Notice of July 29, 2010—Continuation of the National Emergency With Respect to the Actions of Certain Persons to Undermine the Sovereignty of Lebanon or Its Democratic Processes and Institutions, Federal Register, Title 3—The President, [Page 45045].

<sup>80</sup> See <http://www.treasury.gov/press-center/press-releases/Pages/hp666.aspx>.

<sup>81</sup> A previous executive order, E.O. 13315, blocks property of former Iraqi President Saddam Hussein and members of his former regime. On June 9, 2005, the Treasury Department blocked property and interests of a Syrian company, SES International Corp., and two of its officials under the authority of E.O. 13315.

<sup>82</sup> See, "U.S. Trade and Financial Sanctions Against Syria." Available at <http://damascus.usembassy.gov/sanctions-syr.html>.



Assistance Act of 1961 as Section 620A (22 USC 2371). (Syria was not affected by this ban until 1979, as explained below.)

*The International Emergency Economic Powers Act of 1977* (Title II of P.L. 95-223, codified at 50 U.S.C. §1701 et seq.) Under the International Emergency Economic Powers Act (IEEPA), the President has broad powers pursuant to a declaration of a national emergency with respect to a threat “which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.” These powers include the ability to seize foreign assets under U.S. jurisdiction, to prohibit any transactions in foreign exchange, to prohibit payments between financial institutions involving foreign currency, and to prohibit the import or export of foreign currency.

*The Export Administration Act of 1979* (P.L. 96-72). Section 6(i) of this act (93 Stat. 515) required the Secretary of Commerce and the Secretary of State to notify Congress before licensing export of goods or technology valued at more than \$7 million to countries determined to have supported acts of international terrorism. (Amendments adopted in 1985 and 1986 relettered Section 6(i) as 6(j) and lowered the threshold for notification from \$7 million to \$1 million.)

A by-product of these two laws was the so-called state sponsors of terrorism list. This list is prepared annually by the State Department in accordance with Section 6(j) of the Export Administration Act. The list identifies those countries that repeatedly have provided support for acts of international terrorism. Syria has appeared on this list ever since it was first prepared in 1979; it appears most recently in the State Department’s annual publication *Country Reports on Terrorism, 2009*, issued on August 5, 2010. Syria’s inclusion on this list in 1979 triggered the above-mentioned aid sanctions under P.L. 94-329 and trade restrictions under P.L. 96-72.

*Omnibus Diplomatic Security and Antiterrorism Act of 1986* (P.L. 99-399). Section 509(a) of this act (100 Stat. 853) amended Section 40 of the Arms Export Control Act to prohibit export of items on the munitions list to countries determined to be supportive of international terrorism, thus banning any U.S. military equipment sales to Syria. (This ban was reaffirmed by the Anti-Terrorism and Arms Export Amendments Act of 1989—see below.) Also, 10 U.S.C. 2249a bans obligation of U.S. Defense Department funds for assistance to countries on the terrorism list.

*Omnibus Budget Reconciliation Act of 1986* (P.L. 99-509). Section 8041(a) of this act (100 Stat. 1962) amended the Internal Revenue Code of 1954 to deny foreign tax credits on income or war profits from countries identified by the Secretary of State as supporting international terrorism. (26 USC 901(j)). The President was given authority to waive this provision under Section 601 of the Trade and Development Act of 2000 (P.L. 106-200, May 18, 2000).

*The Anti-Terrorism and Arms Export Control Amendments Act of 1989* (P.L. 101-222). Section 4 amended Section 6(j) of the Export Administration Act to impose a congressional notification and licensing requirement for export of goods or technology, irrespective of dollar value, to countries on the terrorism list, if such exports could contribute to their military capability or enhance their ability to support terrorism.

Section 4 also prescribes conditions for removing a country from the terrorism list: prior notification by the President to the Speaker of the House of Representatives and the chairmen of two specified committees of the Senate. In conjunction with the requisite notification, the President must certify that the country has met several conditions that clearly indicate it is no

longer involved in supporting terrorist activity. (In some cases, certification must be provided 45 days in advance of removal of a country from the terrorist list).

*The Anti-Economic Discrimination Act of 1994* (Part C, P.L. 103-236, the Foreign Relations Authorization Act, FY1994-1995). Section 564(a) bans the sale or lease of U.S. defense articles and services to any country that questions U.S. firms about their compliance with the Arab boycott of Israel. Section 564(b) contains provisions for a presidential waiver, but no such waiver has been exercised in Syria's case. Again, this provision is moot in Syria's case because of other prohibitions already in effect.

*The Antiterrorism and Effective Death Penalty Act of 1996* (P.L. 104-132). This act requires the President to withhold aid to third countries that provide assistance (§325) or lethal military equipment (§326) to countries on the terrorism list, but allows the President to waive this provision on grounds of national interest. A similar provision banning aid to third countries that sell lethal equipment to countries on the terrorism list is contained in Section 549 of the Foreign Operations Appropriations Act for FY2001 (H.R. 5526, passed by reference in H.R. 4811, which was signed by President Clinton as P.L. 106-429 on November 6, 2000).

Also, Section 321 of P.L. 104-132 makes it a criminal offense for U.S. persons (citizens or resident aliens) to engage in financial transactions with governments of countries on the terrorism list, except as provided in regulations issued by the Department of the Treasury in consultation with the Secretary of State. In the case of Syria, the implementing regulation prohibits such transactions "with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States." (31 CFR 596, published in the *Federal Register* August 23, 1996, p. 43462.) In the fall of 1996, the then chairman of the House International Relations Committee reportedly protested to then President Clinton about the Treasury Department's implementing regulation, which he described as a "special loophole" for Syria.

In addition to the general sanctions listed above, specific provisions in foreign assistance appropriations legislation enacted since 1981 have barred Syria by name from receiving U.S. aid. The most recent ban appears in Section 7007 of P.L. 112-74, Consolidated Appropriations Act, 2012, which states that "None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents."

Section 307 of the Foreign Assistance Act of 1961, amended by Section 431 of the Foreign Relations Authorization Act for FY1994-1995 (P.L. 103-236, April 30, 1994), requires the United States to withhold a proportionate share of contributions to international organizations for programs that benefit eight specified countries or entities, including Syria.

The Iran Nonproliferation Act of 2000, P.L. 106-178, was amended by P.L. 109-112 to make its provisions applicable to Syria as well as Iran. The amended act, known as the Iran and Syria Nonproliferation Act, requires the President to submit semi-annual reports to designated congressional committees, identifying any persons involved in arms transfers *to or from* Iran or Syria; also, the act authorizes the President to impose various sanctions against such individuals. On October 13, 2006, President Bush signed P.L. 109-353 which expanded the scope of the original law by adding North Korea to its provisions, thereby renaming the law the Iran, North

Korea, and Syria Nonproliferation Act (or INKSNA for short). The list of Syrian entities designated under INKSNA includes Army Supply Bureau (2008), Syrian Navy (2009), Syrian Air Force (2009), and Ministry of Defense (2008).<sup>83</sup> On May 24, 2011, the State Department designated the Industrial Establishment of Defense and Scientific Studies and Research Center (SSRC) under INKSNA.

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<sup>83</sup> See, State Department Press Releases And Documents “Near East: Iran, North Korea, and Syria Nonproliferation Act: Imposed Sanctions,” July 20, 2010.